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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 976—MILK IN FORT SMITH, ARKANSAS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISION

Pursuant to the applicable provisions of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 et seq.) hereinafter referred to as the "act" and of the order, as amended, regulating the handling of milk in the Fort Smith, Arkansas, marketing area, hereinafter referred to as the "order" it is hereby found and determined that the provisions of § 976.61 (b) of the order do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order from the effective date hereof.

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that the (1) information upon which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the marketing area; (3) this action will relieve handlers subject to other orders of certain obligations with respect to milk they distribute in the Fort Smith, Arkansas, marketing area, which obligations are not computed uniformly under current marketing conditions in the area; (4) the volume of milk subject to this provision has been substantially increased with the issuance of an order regulating the handling of milk in the Central Arkansas, marketing area; and (5) this suspension order does not require of persons affected any preparation prior to its effective date.

It is therefore ordered, That the following provision of the order be and it is hereby suspended with respect to all

milk subject to the provisions of the order from the effective date hereof:

1. Section 976.61 (b) in its entirety. (Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 16th day of December 1955 to be effective upon and after January 1, 1956.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10227; Filed, Dec. 20, 1955; 8:52 a. m.]

PART 1065—TOMATOES

IMPORT RESTRICTIONS

§ 1065.1 *Tomato Regulation No. 1—*
(a) *Findings and determinations.* (1) Findings: Notice of rule making regarding proposed restrictions on the importation of tomatoes into the United States, to be made effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906 1047) was published in the FEDERAL REGISTER November 29, 1955 (20 F. R. 8759). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, and the data, views, and arguments submitted by interested parties, it is hereby found that the restrictions on the importation of tomatoes into the United States, as hereinafter provided, are in accordance with said section 8e.

(2) It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this section beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047), which makes such regulation mandatory (ii) regulations are now in effect on domestic shipments of tomatoes under Marketing Agreement No. 125 and Order No. 45 (7 CFR 945.301, 20 F. R. 8808), (iii) notice that this action was being considered to become effective January 2, 1956, was published in the FEDERAL REGISTER on November 29,

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1955 (20 F. R. 8759), (iv) compliance with this tomato import regulation should not require any special preparation by importers which cannot be completed by the effective date; (v) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this tomato import regulation; (vi) such notice is hereby determined, under the circumstances, to be reasonable; and (vii) the regulations hereby established for tomatoes that may be imported into the United States are equivalent or comparable to those imposed upon domestic tomatoes under the aforesaid marketing agreement and order.

(b) *Import restrictions.* During the period from January 2, 1956, to May 31, 1956, both dates inclusive, and subject to the general regulations (7 CFR Part 1060; 19 F. R. 7707, 8012) applicable to the importation of listed commodities

and the requirements of this section, no person shall import any tomatoes of any variety unless such tomatoes meet the requirements of the U. S. No. 2 or better grade.

(c) *Minimum quantities.* Any importation which in the aggregate, does not exceed 300 pounds, may be imported without regard to the provisions of paragraph (b) of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(e) *Inspection and certification.* (1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Services, United States Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of the general regulations, as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of tomatoes that are imported, or to be imported into the United States under the provisions of section 8e of the act.

(2) Inspection and certification by the Federal or the Federal-State Inspection Service of each lot of imported tomatoes is required pursuant to § 1060.3 *Eligible imports* of the aforesaid general regulations and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified tomatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points....	George B. Crisp, Jeffers Bldg., P. O. Box 111, Harlingen, Tex. (Telephone Garfield 3-1240.)	1 day.
All Arizona points....	R. H. Bertelson, Room 202 Trust Bldg., 305 American Ave., P. O. Box 1645, Nogales, Ariz. (Telephone 484.)	1 day.
All California points....	Carley D. Williams, 284 Wholesale Terminal Bldg., 784 S. Central Ave., Los Angeles 21, Calif. (Telephone Vandike 8766.)	3 days.
All Florida points....	Lloyd W. Boney, Room 4, Dade County Growers Market, 1209 NW, 21st Terr., Miami 42, Fla. (Telephone 52-6322.)	3 days.
All other points....	E. C. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, United States Department of Agriculture, Washington 25, D. C. (Telephone Republic 7-4142 Ext. 5870.)	3 days.

(3) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(4) The inspections performed, and certificates issued by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall be set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee)

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(6) The shipping point tolerances of the U. S. No. 2 grade, as set forth in § 51.1857 (a) (1) of this title (18 F. R. 7143), which reads as follows:

(1) At shipping point (or in shipments from Mexico when inspected at points of entry into the United States) not more than a total of 10 percent, by count, for tomatoes in any lot, which fail to meet the requirements of this grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay.

shall apply to all inspections performed on tomatoes prior to or upon entry into the United States.

(f) *Definitions.* (1) The term "U. S. No. 2" means the U. S. No. 2 grade, as set forth in the United States Standards for Tomatoes (§§ 51.1855 to 51.1876, inclusive, of this title; 18 F. R. 7142), including the tolerances set forth therein.

(2) All other terms have the same meaning as when used in the general regulations (7 CFR Part 1060; 19 F. R. 7707, 8012) applicable to the importation of listed commodities.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 16, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing
Service.

[F. R. Doc. 55-10226; Filed, Dec. 20, 1955; 8:52 a.m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 353, Revised, Amdt. 68]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART E—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 7 of the act of May 29, 1934, as amended (21 U. S. C. 117) § 76.27, as amended, Subpart E, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2331, 2973, 3493, 3931, 4397, 4841, 5256, 5709, 6076, 6575, 7134, 7897, 8364, 8630, 8933), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraph (1) of paragraph (a), relating to Alameda County in California, is deleted.

2. New subdivisions (xxiv) (xxv) (xxvi), (xxvii), (xxviii), (xxix) (xxx), (xxxi), and (xxxii) are added to subparagraph (8) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(xxiv) Lot No. 48 in Block 233, in Deptford Township, owned by J. A. Ross and operated by Robert Shuler;

(xxv) Lots No. 5A and 6 in Block 2, in Deptford Township, owned and operated by Alex Seder;

(xxvi) Lot No. 2 in Block 4J, in Deptford Township, owned by Andrew Seder and operated by Ed Seder;

(xxvii) Lots No. 26 and 27 in Block 337, in Deptford Township, owned and operated by Daniel Kinley;

(xxviii) Lot No. 24 in Block 233, in Deptford Township, owned and operated by C. Kolwalus;

(xxix) Lot No. 2 in Block 4, in Deptford Township, owned and operated by Richard Schofield;

(xxx) Lot No. 2 in Block 397, in Deptford Township, owned and operated by Sam Villari;

(xxxi) Plots 7, 8, and 9 in Block 193, in Washington Township, owned and operated by Price Brothers; and

(xxxii) Plots 10 and 11, in Block 193, in Washington Township, owned and operated by James and Charles Price.

3. A new subdivision (vi) is added to subparagraph (2) of paragraph (d) relating to Middlesex County in New Jersey, to read:

(vi) That part of South Brunswick Township lying west of U. S. Route No. 130, north of Day Road, east of Rowland Road, and south of Broadway Road.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 15th day of December 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator
Agricultural Research Service.

[F. R. Doc. 55-10228; Filed, Dec. 20, 1955;
8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53983]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

VESSEL SUPPLIES

The decision of the United States Court of Customs and Patent Appeals in the case reported in C. A. D. 569, decided June 24, 1954, involved a vessel which was moved in ballast from New York, New York, to Seattle, Washington, for conversion, refitting, and repairs to make it suitable for the Puget Sound-Alaska trade. The court ruled that the vessel was not engaged in trade within the meaning of section 309 of the Tariff Act of 1930, as amended, on the voyage from New York to Seattle. Accordingly, the fuel oil consumed on the voyage from New York to Seattle was held not entitled to exemption from duty or tax under section 309.

The Customs Regulations governing the conditionally free withdrawal of supplies for vessels under section 309 require amendment to bring them into harmony with the decision of the court in C. A. D. 569, and to provide a procedure to better enable collectors to determine whether vessels which proceed in ballast may properly be considered to be engaged in trade within the meaning of the statute.

It is also believed to be desirable to incorporate in the Customs Regulations

a Bureau ruling that a vessel on a trial or test trip is not engaged in trade.

1. Accordingly, § 10.59 is amended as follows:

a. Paragraph (a) (3) is deleted. Paragraph (a) (4) is redesignated (a) (3) and amended to read:

(3) Departing in ballast (without cargo or passengers) from one port for another, domestic or foreign, for the purpose of lading passengers or cargo at the port of destination for carriage in a class of trade specified in section 309 (a), Tariff Act of 1930, as amended, for which class of trade the vessel is suitable and substantially ready for service with necessary fittings, outfit, and equipment already installed on its departure in ballast, and from which it is not diverted prior to carriage of passengers or cargo in such trade. A written declaration of the owner or agent of the vessel may be required in connection with the withdrawal, certifying to the vessel's suitability and substantial readiness with necessary fittings, outfit, and equipment already installed on its departure in ballast for service in a class of trade specified in section 309 and agreeing to notify the collector if it is laid up or diverted from such class of trade prior to the carriage of cargo or passengers in such trade.

b. Paragraphs (b) (c), and (d) are redesignated paragraphs (c) (d) and (e) respectively, and a new paragraph (b) is added, to read:

(b) A withdrawal of articles may not be made under section 309, Tariff Act of 1930, as amended, for use on a trial or test trip of a vessel preparatory to its actually engaging in trade.

(Sec. 309, 46 Stat. 690, as amended; 19 U. S. C. 1309)

2. Section 10.60 is amended as follows:

a. Paragraph (a) is amended by adding the following sentence: "When a withdrawal of supplies or other articles is made which may be used on a vessel while it is proceeding in ballast to another port as provided for by § 10.59 (a) (3) a notation of this fact shall be made on the withdrawal and the name of the other port given if known."

b. The first sentence of paragraph (d) is amended to read: "When the supplies are to be laden at a port other than the port of withdrawal from warehouse, they shall be withdrawn for transportation in bond to the port of lading."

(Sec. 309, 46 Stat. 690, as amended; 19 U. S. C. 1309)

3. Section 10.64 (a) is amended by changing the period at the end of the second sentence to a comma and adding: "unless it proceeds in ballast from the port where the articles are laden to another port to lade passengers or cargo." by substituting "§ 25.18" for "§ 25.16" in the third sentence in order to correct a cross reference; and by deleting "-----" at the end of the

(Name and title)

paragraph and adding the following:

"I further declare that the vessel proceeded in ballast to the port of ----- to
Name of port

lade cargo or passengers, that the vessel was suitable for service in the class of trade checked above with fittings, outfit, and equipment for such trade already installed when the vessel so departed in ballast, and that upon arrival it proceeded to engage in the carriage of cargo or passengers in such trade, except as stated below"

(If no exception, note "None")

(Name and title)

* This statement to be included if the articles were laden on a vessel which proceeded in ballast from the port of lading to another port.

(Sec. 309, 46 Stat. 690, as amended; 19 U. S. C. 1309)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL]

RALPH KELLY,
Commissioner of Customs.

Approved: December 14, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10215; Filed, Dec. 20, 1955;
8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 14—CACAO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 27—CANNED FRUITS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PROD- UCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 53—TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

EFFECTIVE DATE OF ORDER AMENDING THE DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of amending the definitions and standards of identity for sweet chocolate; milk chocolate; skim milk chocolate; buttermilk chocolate; mixed dairy product chocolates; sweet chocolate and vegetable fat (other than cacao fat) coating; sweet cocoa and vegetable fat (other than cacao fat) coating; pasteurized process cheese spread; pasteurized cheese spread; pasteurized process cheese spread with fruits, vegetables, or meats; pasteurized cheese spread with fruits, vegetables or meats; pasteurized neufchatel cheese spread with other foods; cold-pack cheese food; cold-pack cheese food with fruits, vegetables, or meats; canned peaches; canned peaches with rum; canned apricots; canned apricots with rum; canned pears; canned pears with rum; canned cherries; canned cherries with rum; canned fruit cocktail; fruit butter, fruit jelly; preserves; catsup;

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996) notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER on October 27, 1955 (20 F. R. 8073) amending the definitions and standards of identity for the above-listed foods. The amendments promulgated by that order will become effective December 26, 1955.

These amendments add glucose sirup and dried glucose sirup to the optional ingredients permitted by the definitions and standards of identity for the foods heretofore listed.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended, 68 Stat. 54; 21 U. S. C. 341)

Dated: December 12, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner
of Food and Drugs.

[F. R. Doc. 55-10205; Filed, Dec. 20, 1955;
8:47 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF METHOXYCHLOR

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of methoxychlor in or on certain raw agricultural commodities. The request for the establishment of tolerances for one of the commodities was withdrawn without prejudice to a future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug and Cosmetic Act (sec. 403 (d) (2) 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g) 20 F. R. 759) the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.120 *Tolerances for residues of methoxychlor* Tolerances for residues of methoxychlor (2,2-bis-(p-methoxyphenyl)-1,1,1-trichloroethane) are established as follows:

(a) 100 parts per million in or on alfalfa, clover, cowpeas, grass for forage, peanut forage, soybean forage.

(b) 14 parts per million in or on carrots (with or without tops) or carrot tops, currants, gooseberries, peanuts.

(c) 3 parts per million in the fat of meat from cattle, sheep, or hogs.

(d) 2 parts per million in or on the following grains: Barley, corn, oats, rice, rye, sorghum grain, wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 403, 68 Stat. 512; 21 U. S. C. 346a)

Dated: December 5, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-10206; Filed, Dec. 20, 1955;
8:47 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF PARATHION

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of parathion in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 403 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g) 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.121 *Tolerances for residues of parathion.* A tolerance of 1 part per million is established for residues of parathion (O,O-diethyl O-p-nitrophenyl thiophosphate) in or on the following

raw agricultural commodities: Alfalfa, barley, clover, corn forage, grass for forage, hops, oats, olives, pea forage, vetch, wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 403, 68 Stat. 512; 21 U. S. C. 346a)

Dated: December 8, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner
of Food and Drugs.

[F. R. Doc. 55-10207; Filed, Dec. 20, 1955;
8:48 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF CHLORDANE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of chlordane in or on certain raw agricultural commodities. Subsequently the petitioner withdrew its request for tolerances on certain of these raw agricultural commodities without prejudice to a future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 403 (d) (2) 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g) 20 F. R. 759) the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.122 *Tolerance for residues of chlordane.* A tolerance of 0.3 part per million is established for residues of chlordane (1,2,4,5,6,7,8-octachloro-2,3,-

3a,4,7,7a - hexahydro - 4,7 - methanoin-dene) in or on sweetpotatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: December 8, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner
of Food and Drugs.

[F. R. Doc. 55-10209; Filed, Dec. 20, 1955; 8:48 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF INORGANIC BROMIDES FROM FUMIGATION WITH METHYL BROMIDE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of inorganic bromides which result from the fumigation of certain raw agricultural commodities with methyl bromide. Subsequently, the petitioner withdrew the request for tolerances on pecans and peanuts without prejudice to future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g) 20 F. R. 759) the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.123 *Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.* The toler-

ances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities which have been fumigated with methyl bromide are as follows:

(a) 5 parts per million in or on apples, pears, quinces.

(b) 20 parts per million in or on eggplants, onions, tomatoes.

(c) 30 parts per million in or on beets, rutabagas, turnips.

(d) 50 parts per million in or on alfalfa hay, barley, beans, green beans, lima beans, snap beans, black-eyed peas, cocoa beans, corn, grain sorghum (milo) oats, rice, rye, wheat.

(e) 75 parts per million in or on potatoes, sweet potatoes.

(f) 200 parts per million in or on cottonseed.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, shall specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: December 8, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner
of Food and Drugs.

[F. R. Doc. 55-10208; Filed, Dec. 20, 1955; 8:48 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF GLYODIN

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of glyodin (2-heptadecyl glyoxalidine acetate) in or on peaches.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs

by the Secretary (21 CFR 120.7 (g), 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.124 *Tolerance for residues of glyodin.* The tolerance for residues of glyodin (2-heptadecyl glyoxalidine acetate) in or on peaches is 5 parts per million.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: December 14, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-10201; Filed, Dec. 20, 1955; 8:47 a. m.]

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS PENICILLIN V FOR ORAL SUSPENSION

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 701, 59 Stat. 463, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996) the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR, Parts 141a, 146a) are amended by adding the following new sections:

1. Part 141a is amended by adding thereto a new section, reading as follows:

§ 141a.82 *Penicillin V for oral suspension (phenoxymethyl penicillin for oral suspension)*—(a) *Potency.* Proceed as directed in § 141a.81 (a). Its potency is satisfactory if the immediate containers contain not less than 85 percent of the number of units that they are represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) or § 141a.26 (e)

2. Part 146a is amended by adding thereto a new section, reading as follows:

§ 146a.104 *Penicillin V for oral suspension (phenoxymethyl penicillin for oral suspension)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin V for oral suspension is a mixture of penicillin V and one or more suitable and harmless suspending agents, colorings, and flavorings. Its moisture content is not more than 1 percent. The penicillin V used conforms to the requirements of § 146a.103 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as herein-after indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.
(ii) The number of units in the immediate container.

(iii) The statement "Expiration date _____" the blank being filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency and moisture.

(ii) The penicillin V used in making the batch: Potency, toxicity, moisture, pH, crystallinity, penicillin V content.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch: 10 packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146a.103 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One package of each, containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (i) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) \$4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii) and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee

is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: December 14, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Dec. 55-10200; Filed, Dec. 20, 1955; 8:47 a. m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIMIOTIC AND ANTIMIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1936), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Part 141c) and certification of antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Parts 146, 146a, 146c) are amended as indicated below:

1. Part 141c is amended by adding the following new section:

§ 141c.228 *Tetracycline hydrochloride-neomycin tablets*—(a) *Potency*—(1) *Tetracycline hydrochloride content.* Proceed as directed in § 141c.218 (a) but in lieu of the directions in § 141c.218 (a) (5) prepare the sample as follows: Using a mortar and pestle, grind 5 tablets to a fine powder. Using 200 milliliters of absolute methanol, quantitatively transfer the powder to a blending jar and blend at high speed for 2 minutes. Centrifuge a portion of the liquid at high speed for sufficient time (usually 15 minutes) to obtain a substantially clear solution. Dilute an aliquot of the clear solution in sufficient 0.10 M monobasic potassium phosphate buffer, pH 4.5, to give a concentration of 0.24 microgram per milliliter (estimated). Its content of tetracycline hydrochloride is satisfactory if it

contains not less than 85 percent of the number of milligrams per tablet that it is represented to contain.

(ii) *Neomycin content.* Proceed as directed in § 141e.410 (a). (1) (ii) of this chapter, except that: Immediately after the second blending, heat a convenient sized aliquot of the blend in a steam bath for 30 minutes, cool, and dilute to 10 micrograms per milliliter (estimated). Its content of neomycin is satisfactory if it contains 85 percent of the number of milligrams per tablet that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

2. In § 146.26 *Animal feed containing penicillin* * * * paragraph (b) is amended as follows:

a. Subparagraphs (9) and (10) are changed to read as follows:

(9) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection) infectious sinusitis, and blue comb (nonspecific infectious enteritis) in poultry and/or bacterial swine enteritis; its labeling bears adequate directions and warnings for such use, and it contains, per ton of feed, not less than 50 grams of bacitracin or 50 grams of penicillin (unless it is intended for bacterial swine enteritis) or 50 grams of a combination of the two drugs, except that if it contains the combination drug and it is intended for the prevention of bacterial swine enteritis it shall contain not less than 25 grams of bacitracin.

(10) It is intended for use solely in the treatment of chronic respiratory disease (air-sac infection) infectious sinusitis, and blue comb (nonspecific infectious enteritis) in poultry and/or bacterial swine enteritis; its labeling bears adequate directions and warnings for such use, and it contains, per ton of feed, not less than 100 grams of bacitracin or 100 grams of penicillin (unless it is intended for bacterial swine enteritis) or 100 grams of a combination of the two drugs, except that if it contains the combination drug and it is intended for the treatment of bacterial swine enteritis it shall contain not less than 50 grams of bacitracin.

b. Subparagraphs (18) (19) and (21) are deleted, and subparagraphs (20), (22), (23), (24) and (25) are renumbered as (18) (19) (20) (21) and (22), respectively.

c. Renumbered subparagraph (21) (iii) is amended by changing the words "subparagraph (20)" to read "subparagraph (18)"

d. Paragraph (b) is further amended by adding the following new subparagraphs:

(23) It is intended for use solely as an aid in the reduction of losses due to enterotoxemia in sheep; its labeling bears adequate directions and warnings for such use; and it contains not less than 20 grams of chlortetracycline per ton of feed.

(24) It is intended for use solely in the maintenance of weight gains of swine in the presence of atrophic rhinitis; its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline per ton of feed.

(25) It is intended for use solely as an aid in the reduction of bacterial diarrhea in beef calves, and it contains a quantity of chlortetracycline adequate to provide 0.1 milligram per pound of body weight per day when fed in accordance with the directions for use that accompany the feed.

3. In § 146a.99 *Capsules crystalline penicillin G* * * * paragraph (a) *Standards of identity* * * * is amended by inserting immediately after the words "vegetable oils," the following new words: "and with or without one or more suitable antihistaminics and vasoconstrictors."

4. Part 146c is amended by adding the following new section:

§ 146c.228 *Tetracycline hydrochloride-neomycin tablets.* Tetracycline hydrochloride-neomycin tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146c.204 for tetracycline hydrochloride capsules, except that:

(a) Each tablet shall contain not less than 250 milligrams of neomycin. The neomycin used conforms to the requirements prescribed for neomycin by § 146e.410 (a) (2) of this chapter.

(b) In lieu of the labeling prescribed by § 146c.204 (c) (1) (ii) each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of tetracycline hydrochloride and the number of milligrams of neomycin in each tablet of the batch.

(c) In addition to complying with the requirements of § 146c.204 (d) a person who requests certification of a batch shall submit with his request a statement showing the number of milligrams of tetracycline hydrochloride and neomycin in each tablet of the batch, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(d) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be \$4.00.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries, since it conditionally relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feed containing antibiotic drugs need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they are used in the amounts and for the purposes specified in amendment 2.

This order shall become effective upon issuance, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: December 6, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-10204; Filed, Dec. 20, 1955; 8:47 a.m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter J—Heirs and Wills

PART 81—DETERMINATION OF HEIRS AND APPROVAL OF WILLS, EXCEPT AS TO MEMBERS OF THE FIVE CIVILIZED TRIBES AND OSAGE INDIANS

KAW FUNDS

A new § 81.34 is added to read as follows:

§ 81.34 *Kaw funds.* (a) The regulations in this part, except to the extent stated in paragraphs (b), (c), and (d) of this section, shall apply to the determination of heirs or devisees of deceased Indians to whom funds of the Kaw Tribe of Indians are directed to be distributed by the act approved August 9, 1955 (69 Stat. 559)

(b) For the purpose of making determinations under this section, the examiner of inheritance may recognize or adopt final decrees of distribution entered by courts of competent jurisdiction.

(c) No claim, fee, or charge, other than debts due the United States, shall be recognized or allowed against any part of the Kaw funds to which an Indian beneficiary is entitled.

(d) Sections 81.18 and 81.33 shall have no application in the distribution of the Kaw funds.

(Secs. 1, 2, 36 Stat. 855, 856, as amended, sec. 1, 38 Stat. 856, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; 25 U. S. C. 373, 373, 377, 373a, 373b)

CLARENCE A. DAVIS,
Acting Secretary of the Interior

DECEMBER 14, 1955.

[F. R. Doc. 55-10213; Filed, Dec. 20, 1955; 8:49 a.m.]

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—ORDER FIXING OPERATION AND MAINTENANCE CHARGES

CROW INDIAN IRRIGATION PROJECT, MONTANA, CHARGES

There was published in the daily issue of the FEDERAL REGISTER pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404, 79th Congress; the acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 41 Stat. 751, 44 Stat. 658; 45 Stat. 210; 25 U. S. C. 387)

and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 11, 1946 (11 F. R. 10279) and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 13, 1949, by Order No. 2535, notice of intention to modify § 130.12 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Crow Indian Irrigation Project to read as follows:

Interested persons were thereby given opportunity to participate in preparing the modification by submitting data or written arguments within 30 days from the publication of the notice. No objections were submitted. Accordingly, § 130.12 is amended as follows:

§ 130.12 *Charges.* In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U. S. C. 385), the operation and maintenance charges for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1956 and subsequent years until further notice are hereby fixed as follows:

For the assessable non-district area under constructed works on all Government-operated units excepting Coburn Ditch, per acre.....	\$2. 50
For the assessable area under constructed works on certain tracts of irrigable trust patent Indian land within and benefited by the Two Leggings Unit, per acre.....	1. 74
For the assessable area on certain tracts of irrigable trust patent Indian land within and benefited by the Bozeman Trail Unit, per acre.....	1. 25
For all lands in Indian ownership under the Bozeman Trail Unit on June 28, 1946, and under constructed works on all Government-operated units in the Little Big Horn watershed; for non-Indian, non-irrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Works; for operation and maintenance of said Works, per acre 10

For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggings Drainage District (contract dated June 23, 1932), per acre..... C0. 76
(Secs. 1, 3, 36 Stat. 270, 273, as amended; 25 U. S. C. 385)

The foregoing amendment is to become effective for the irrigation season of 1956 and continue in effect thereafter until further notice.

J. M. COOPER,
Area Director.

[F. R. Doc. 55-10191; Filed, Dec. 20, 1955;
8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 897, Amdt. 3]

PART 97—ROUTING

REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of December 1955.

Upon further consideration of Service Order No. 897 (19 F. R. 3762; 20 F. R. 4, 4688) and good cause appearing therefor: It is ordered, that:

Section 97.897 *Service Order No. 897*, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 1956, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., December 31, 1955.

It is further ordered, That copies of this order and direction shall be served upon the Nebraska State Railway Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscrib-

ing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, sec. 15, 24 Stat. 334, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] HAROLD D. McCox,
Secretary.

[F. R. Doc. 55-10210; Filed, Dec. 20, 1955;
8:43 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III, LOAN GUARANTY

TAX OR SPECIAL ASSESSMENT

Section 36.4352 is revised to read as follows:

§ 36.4352 *Tax or special assessment.* Tax liens, special assessment liens, ground rents, and, with the approval of the Administrator, liens retained by non-governmental entities to secure assessments or charges for community or municipal type services and facilities shall be disregarded with respect to any requirement that loans shall be secured by a lien of a specified dignity.

(Sec. 594, 58 Stat. 233, as amended; 38 U. S. C. 634d)

This regulation is effective December 21, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-10216; Filed, Dec. 20, 1955;
8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 957]

[AO-150 A-2]

POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT NO. 98 AND ORDER NO. 57, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing

orders (7 CFR 900 et seq.), notice is hereby given of a public hearing to be held in the Bannock County Court House, Pocatello, Idaho, beginning at 9:30 a. m., m. s. t., January 19, 1956, with respect to proposed amendments to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed amendments, which are herein-

after set forth, and appropriate modifications thereof.

The Idaho-Eastern Oregon Potato Committee, the administrative agency established pursuant to the marketing agreement and order, has proposed the following amendments to said marketing agreement and order and has requested a hearing thereon:

1. Amend §§ 957.1, 957.2, and 957.3, to read, respectively, as follows:

§ 957.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 957.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agri-

cultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047)

§ 957.3 *Person*. "Person" means an individual, partnership, corporation, association, or any other business unit.

2. Amend §§ 957.7, 957.8, and 957.9 to read, respectively, as follows:

§ 957.7 *Certified seed potatoes*. "Certified seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State in which the potatoes are grown, or other seed certification agencies which the Secretary may recognize and approve.

§ 957.8 *Handler*. "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes or cause potatoes to be handled.

§ 957.9 *Handle*. "Handle" or "ship" means to sell or transport potatoes within the production area or between the production area and any point outside thereof.

3. Amend § 957.12 *Fiscal year* to read as follows:

§ 957.12 *Fiscal period*. "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

4. Renumber and amend § 957.13 *Grade and size* to read as follows:

§ 957.14 *Grade and size*. "Grade" means any one of the officially established grades of potatoes or peeled potatoes; and "size" means any one of the officially established sizes of potatoes or peeled potatoes, as defined and set forth in:

(a) United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(c) United States Standards for Grades of Peeled Potatoes issued by the United States Department of Agriculture (§§ 52.2421 to 52.2433 of this title) or amendments thereto, or modifications thereof, or variations based thereon; and

(d) Standards for potatoes issued by the State of Idaho or Oregon or amendments thereto, or modifications thereof, or variations based thereon.

5. Add a new § 957.13 *Grading* reading as follows:

§ 957.13 *Grading*. "Grading" is synonymous with "preparation for market" and means the sorting or separation of potatoes into grades, sizes, shapes, qualities, and packs for market purposes.

6. Renumber § 957.14 *Export* as § 957.17.

7. Renumber and amend § 957.15 *District* to read as follows:

§ 957.18 *District*. "District" means each one of the geographical divisions of the production area established pursuant to § 957.27 or as reestablished pursuant to § 957.28.

8. Add new §§ 957.15 *Pack* and 957.16 *Container* reading as follows:

§ 957.15 *Pack*. "Pack" means a unit of potatoes in any type of container and which falls within specific weight limits or within specific grade limits, or both, recommended by the committee and approved by the Secretary.

§ 957.16 *Container*. "Container" means a sack, box, bag, crate, hamper, basket, carton, package, barrel, bulk load or any other type of unit used in the packaging, transportation, sale, shipment or handling of potatoes.

9. Add new §§ 957.19 *Marketing season* and 957.20 *Table stock potatoes* reading as follows:

§ 957.19 *Marketing season*. "Marketing season" is synonymous with "season" and means the period July 1 of any year to and including June 30 of the following year.

§ 957.20 *Table stock potatoes*. "Table stock potatoes" means and includes all potatoes not included within the definition of certified seed potatoes.

10. Renumber §§ 957.20 to 957.32, inclusive, as §§ 957.25 through 957.27, and 957.29 through 957.38, respectively.

11. Amend paragraphs (a) and (b) of the newly renumbered § 957.25 to read as follows:

§ 957.25 *Establishment and membership*. (a) The Idaho-Eastern Oregon Potato Committee consisting of ten members, of whom six shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer in the district for which selected or an officer or employee of a producer in such district, and shall be a resident thereof. A producer who handles potatoes other than of his own production shall qualify as a producer under this section, and §§ 957.29, 957.30, 957.32, and 957.34, only if the potatoes of his own production constituted 51 percent or more of the total quantity of potatoes handled by him during the portion of the then current season preceding his nomination.

12. Amend the newly numbered § 957.26 to read as follows:

§ 957.26 *Term of office*. (a) The term of office of committee members and alternates shall be for two years beginning June 1 and ending May 31. The terms of office of such members and alternates shall be so determined that one-half of the total committee membership shall terminate each May 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify and continuing until the end of the term for which selected, and until their successors are selected and have qualified.

13. Add a new § 957.28 reading as follows:

§ 957.28 *Redistricting*. The committee may recommend, and pursuant thereto the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts, set forth in § 957.27, within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new potato production in its relation to existing districts; (c) the equitable relationship between the committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 30 days prior to the beginning of a fiscal period; and no recommendations for such redistricting or reapportionment may be made less than four months prior to such date.

14. Amend the newly renumbered §§ 957.29, 957.30, and 957.31 to read as follows:

§ 957.29 *Selection*. Members and alternates shall be selected on the following basis (unless otherwise apportioned pursuant to § 957.28) (a) Three producer members and two handler members with their respective alternates, from District No. 1, (b) one producer member and one handler member, with their respective alternates, from District No. 2; and (c) two producer members and one handler member, with their respective alternates, from District No. 3.

§ 957.30 *Nominations*. (a) The Secretary may select the members and alternates of the Idaho-Eastern Oregon Potato Committee from nominations which may be made in the following manner, or from other eligible persons: nominations for members and alternates may be submitted by producers or handlers, as the case may be, or groups of either thereof, on an elective basis or otherwise.

(b) In order to provide nominations for committee members and alternates: (1) The committee shall hold or cause to be held prior to April 1 of each year, one or more meetings of producers and of handlers in each of the districts designated in § 957.27, or pursuant to § 957.28, in which the then current terms of office will expire the following May 30; and

(2) In arranging for such meetings, the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies, and may combine its meetings with others.

(c) Nominations shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than 30 days prior to the expiration of the terms of office.

(d) Only producers may participate in designating nominees for producer members and alternates and only handlers may participate in designating nominees for handler members and alternates.

(e) Regardless of the number of districts in which a person produces or handles potatoes, such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing or handling potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further* That, an eligible voter's privilege of casting only one vote, as aforesaid shall be construed to permit such voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 957.31 *Failure to nominate.* If nominations are not made within the time and in the manner and form specified by the Secretary pursuant to § 957.30, the Secretary may without regard to nominations, select the committee members and alternates: *Provided*, That such selection shall be on the basis of the representation prescribed in this subpart.

15. Amend the newly numbered §§ 957.34, 957.35, and 957.36 to read as follows:

§ 957.34 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence; an alternate member may perform such other duties as assigned or requested by the committee. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor to such member is selected and has qualified.

§ 957.35 *Procedure.* (a) A majority of the members of the committee shall be necessary to constitute a quorum; and at least six concurring votes shall be required to pass any motion or approve any committee action. At any assembled meeting, all votes shall be cast in person.

(b) The committee may provide for meetings, by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing.

§ 957.36 *Expenses and compensation.* Committee members and their respective alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and shall receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed \$10.00 for each day, or portion thereof, spent in attending

to committee business: *Provided*, that at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

16. Amend paragraph (d) of the newly renumbered § 957.38 *Duties* to read as follows:

(d) to investigate from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes;

17. Amend §§ 957.40 to 957.46, inclusive, to read as follows:

§ 957.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during the same period.

§ 957.41 *Budget.* At the beginning of each fiscal period, and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget promptly to the Secretary with an accompanying report showing the basis for its calculations.

§ 957.42 *Assessments.* (a) The funds to cover the committee's expenses pursuant to § 957.40 shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who ships potatoes as the first handler thereof shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of such expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary, but not to exceed \$1.00 per carload. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendation, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

§ 957.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations are not in effect and; if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 957.44 *Refunds.* Monies arising from the excess of assessments over expenses shall be accounted for as provided in this section. Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him. However, the Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected.

18. Add a new § 957.47 reading as follows:

§ 957.47 *Research and development.* The committee may investigate from time to time and assemble data on the growing, harvesting, shipping, and marketing conditions with respect to pota-

atoes, and, upon approval of the Secretary, may provide for the establishment of research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes.

19. Amend §§ 957.50 to 957.54, inclusive, to read as follows:

§ 957.50 *Marketing policy*—(a) *Preparation*. Prior to or at the same time as recommendations are made pursuant to § 957.51, the committee shall consider, and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs, and in different containers;

(2) Supplies of potatoes by grade, size, and quality in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports*. (1) The committee shall promptly submit a report to the Secretary setting forth the aforesaid marketing policy and shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a new or revised marketing policy in the manner set forth in paragraph (a) of this section and this paragraph. The committee shall promptly submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the new or revised marketing policy.

§ 957.51 *Recommendation for Regulations*. Whenever the committee deems it advisable that the handling of potatoes be regulated pursuant to § 957.52 or § 957.53, or both, it shall recommend to the Secretary grade, size, quality or maturity regulation, or any combination thereof, or amendment thereto, or modification, suspension or termination thereof, whenever it finds that such regulation, as provided in such sections will tend to effectuate the declared policy of the act.

§ 957.52 *Issuance of regulations*. (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the shipment of particular grades, sizes, qualities, or maturities, or any combination thereof, of any or all varieties of potatoes during any period;

(2) Regulate the shipment of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for table stock potatoes, for certified seed potatoes, for different outlets, for different portions of the production area, for different packs, for different containers, for peeled potatoes and unpeeled potatoes, or for any combination of the foregoing, during any period;

(3) Provide a method through rules and regulations, issued pursuant to this part for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both;

(4) Regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity;

(5) Prohibit the handling of potatoes during a specified period or periods. No Regulation issued pursuant to this subparagraph shall be effective for more than 96 consecutive hours: *Provided*, That not less than 72 consecutive hours shall elapse between the termination of any such period of limitation and the beginning of the next such period.

(b) In the event the handling of potatoes is regulated pursuant to § 957.52 (a) (5) no handler shall handle any such potatoes, which were prepared for market during the effective period of such regulation.

(c) The Secretary may amend any regulation issued under this part whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation or amendment thereof whenever he finds that such regulation or amendment obstructs or no longer tends to effectuate the declared policy of the act.

§ 957.53 *Modification, suspension, or termination*. Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate regulation under or pursuant to §§ 957.42, 957.52, or 957.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) For grading or storage within any or all portions of the production area.

(b) Planting within any or all portions of the production area;

(c) Export;

(d) Relief or charity;

(e) Livestock feed;

(f) Certified seed potatoes;

(g) Manufacture or conversion into specified products; and

(h) Such other purposes which may be specified by the committee, with approval of the Secretary.

20. Renumber §§ 957.55 through 957.57 as §§ 957.54 through 957.56, respectively.

21. Amend the newly renumbered § 957.56 to read as follows:

§ 957.56 *Safeguards*. (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 957.53

from entering channels of trade for other than the specific purpose authorized therefore.

(b) Safeguards, as provided by this section, may include requirements that handlers:

(1) Shall obtain the inspection required by § 957.65 or pay the assessment provided by § 957.42, or both, in connection with the potato shipments effected in accordance with § 957.53; and

(2) Shall obtain certificates of privilege from the committee for shipments of potatoes effected or to be effected under provisions of § 957.53.

(c) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of certificates of privilege.

(d) The committee may rescind or deny to any handler certificates of privilege if proof satisfactory to the committee is obtained that potatoes shipped by him for the purposes stated in § 957.53 were handled contrary to the provisions of this part.

(e) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(f) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates and such other information as may be requested by the Secretary.

22. Amend § 957.65 *Inspection and certification* to read as follows:

§ 957.65 *Inspection and certification*. (a) During any period in which regulations are issued pursuant to §§ 957.42, 957.52, 957.53, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary may designate, and is covered by a valid inspection certificate, except when relieved from such requirements pursuant to recommendation by the committee and approval by the Secretary.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates covering such potatoes insofar as the requirements of this section are concerned. During any period in which shipments of potatoes are regulated, as aforesaid, no handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected and covered by a valid inspection certificate as required in paragraph (a) of this section.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate shall be valid may be established by the committee with the approval of the Secretary and such length of time may be different for shipments for different purposes.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available promptly to the committee by the inspection service.

23. Delete §§ 957.70 to 957.73, inclusive.

24. Amend § 957.83 by inserting "(a)" after the title *Effective time* and by adding paragraph (b) reading as follows:

(b) All rules and regulations issued by the Secretary pursuant to this part (Order No. 57, as amended) which are in effect immediately prior to the date of this amendment shall continue in effect under this subpart as originally issued, or subsequently modified, until such rules and regulations are changed, modified, or suspended in accordance with this subpart.

25. The Fruit and Vegetable Division Agricultural Marketing Service, United States Department of Agriculture, proposes the following amendment:

Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendments thereof which may result from this hearing.

Copies of this notice may be obtained from the Western Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1218 S. W. Washington Street, Portland 5, Oregon,

or from the Hearing Clerk, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 16th day of December 1955.

[SEAL] ROY W. LEWARTSON,
Deputy Administrator

[F. R. Doc. 55-10230; Filed, Dec. 20, 1955;
8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11546]

RADIO BROADCAST SERVICES; MECHANICAL REPRODUCTIONS

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of §§ 3.188, 3.288, 3.588 and 3.653 of the Commission's rules and regulations relating to mechanical reproductions.

1. The Commission adopted a Notice of Proposed Rule Making on November 16, 1955 (FCC 55-1136), instituting a rule making proceeding in the above entitled matter. The Notice specified that comments should be filed by December 15, 1955, with replies due 10 days thereafter.

2. On December 13, 1955, the National Broadcasting Company, Inc., filed a

Motion for an Extension of Time Within Which to File Comments. NEC states that it favors the objectives of the proposed amendment in this matter, but is not satisfied that the objectives can best be attained by the proposal in its present form. NEC further states that its counsel have been fully engaged in preparation of other matters before the Commission, including, for example, comments in the general television allocation proceeding in Docket No. 11532, and therefore requests that the date for filing comments be extended to January 20, 1956.

3. The Commission believes that a sufficient showing has been made to warrant an extension of time for filing comments in this proceeding and that such an extension would be in the public interest.

4. In view of the foregoing: *It is ordered*, That the time for filing comments in the above entitled proceeding is extended to January 20, 1956; and that the time for filing replies to such comments is extended to 10 days thereafter.

Adopted: December 15, 1955.

Released: December 16, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10217; Filed, Dec. 20, 1955;
8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 12, 1955.

An application, serial number C-09807, for the withdrawal from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, of the lands described below, was filed on July 15, 1955, by the Fish and Wildlife Service, U. S. Department of the Interior.

The purposes of the proposed withdrawal: For use in connection with the South Platte River Management Area.

For a period of thirty (30) days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, 357 New Custom House, Box 1018, Denver 1, Colorado. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 N., R. 51 W.,
Sec. 9: NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 17: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 18: SE $\frac{1}{4}$.

T. 4 N., R. 55 W.,
Sec. 5: SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 7: SE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 6 N., R. 57 W.,
Sec. 31: Lot 2.
T. 4 N., R. 59 W.,
Sec. 21: SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 22: SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 27: NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 4 N., R. 60 W.,
Sec. 30: Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 31: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$.

T. 5 N., R. 60 W.,
Sec. 14: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 15: S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$,
Sec. 22: All;
Sec. 23: N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 27: NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 3 N., R. 61 W.,
Sec. 1: Lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 2: Lot 2.
T. 4 N., R. 61 W.,
Sec. 25: NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$,
Sec. 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 35: E $\frac{1}{2}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described aggregates 4,104.09 acres.

[SEAL] J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 55-10192; Filed, Dec. 20, 1955;
8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

1956 CROP SUGAR BEET WAGES AND PRICES AND DESIGNATION OF PRESIDING OFFICERS

NOTICE OF HEARINGS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of Section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131) notice is hereby given that public hearings will be held as follows:

At Greeley, Colorado, January 4, 1956, at the State Armory, 614 Eighth Avenue, at 10:00 a. m.,

At Salt Lake City, Utah, January 6, 1956, Room 239, Federal Building, at 10:00 a. m.,

At Billings, Montana, January 9, 1956, Assembly Room, Roosevelt School, 23d Street and Fourth Avenue North, at 10:00 a. m.,

At Fargo, North Dakota, January 11, 1956, Students Lounge, North Dakota Agricultural College Library, at 10:00 a. m.,

At Detroit, Michigan, January 13, 1956, Court Room 859, Federal Building, at 10:00 a. m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of Section 301 (c) (1) of the Act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets in regions other than the State of California, southwestern Arizona, southern Oregon and western Nevada, for the 1956 crop on farms with respect to which applications for payments under the Act are made, and (2), pursuant to the provisions of section 301 (c) (2) of the Act, fair and reasonable prices for the 1956 crop of sugar beets in regions other than those noted above to be paid under either purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the Act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to all points relative to the subject matters of the hearings.

The hearings, after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

Ward S. Stevenson and Charles F. Denny are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 16th day of December 1955.

[SEAL] LAWRENCE MYERS,
Director Sugar Division.

[F. R. Doc. 55-10229; Filed, Dec. 20, 1955; 8:52 a. m.]

Office of the Secretary

UTAH

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF ADDITIONAL COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.) the President determined that a major disaster occasioned by drought existed in the State of Utah in October 1954.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364) certain counties in the State of Utah were on October 19, 1954 (19 F. R. 7119 as amended by 19 F. R. 8635 and 20 F. R. 992) determined to be the areas affected

by the major disaster occasioned by drought.

Pursuant to the aforesaid delegations, the delineations, and certifications of counties in the drought area in the State of Utah are hereby amended by adding Kane County and the entire area of Garfield County.

Done at Washington, D. C., this 16th day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10203; Filed, Dec. 20, 1955; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE 14; U. S. ATLANTIC AND GULF/WEST COAST AFRICA

ESSENTIALITY AND U. S. FLAG SERVICE REQUIREMENTS; CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that the Maritime Administrator has directed that his conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 14, as published in the FEDERAL REGISTER issue of October 21, 1955 (20 F. R. 7945) shall stand unchanged.

By order of the Maritime Administrator.

Dated: December 15, 1955.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-10214; Filed, Dec. 20, 1955; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11474, 11475; FCC 55M-1041]

NORTHERN INDIANA BROADCASTERS, INC.,
AND ST. JOSEPH VALLEY BROADCASTING CORP. (WJVA)

ORDER FOR THE CONDUCT OF HEARING

DECEMBER 15, 1955.

In re applications of Northern Indiana Broadcasters, Incorporated, South Bend, Indiana, Docket No. 11474, File No. BP-9602; St. Joseph Valley Broadcasting Corporation (WJVA) Mishawaka, Indiana, Docket No. 11475, File No. BP-9778; for construction permits.

Appearances. John A. Rafter, Washington, D. C., on behalf of Northern Indiana Broadcasters, Incorporated, William S. Green, Washington, D. C., on behalf of St. Joseph Valley Broadcasting Corporation (WJVA), George S. Smith and Edwin S. Nail, Washington, D. C., on behalf of Anderson Broadcasting Company and Charles J. Frederick, Washington, D. C., on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. A pre-hearing conference in the above-entitled proceeding was held November 18, 1955. The parties attending were as above indicated.

2. Prior to the pre-hearing conference on November 18, 1955, the Commission

gave its consent to the transfer of control of St. Joseph Valley Broadcasting Corporation, applicant in Docket 11475. It was stated at the pre-hearing conference that in the event that transfer of control of St. Joseph Valley Broadcasting Corporation is consummated, such party will withdraw from the proceeding. The pre-hearing conference was, thereafter, conducted on the assumption that St. Joseph Valley Broadcasting Corporation would not be an applicant in this proceeding, it being understood, however, that in the event the assignment of the transfer of control is not consummated, St. Joseph Valley Broadcasting Corporation could assert all rights which it had prior to the start of the conference.

3. On the assumption that St. Joseph Valley Broadcasting Corporation will not be an applicant, the issues to be resolved in this proceeding become those pertaining to interference with Station WHBU, Anderson, Indiana, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary services in such areas.

4. As a result of the pre-hearing conference referred to and subject to the limitations indicated in paragraph 2, the following schedule was ordered:

a. All exhibits designed to respond to engineering issues and, in particular, with respect to the matter of interference to Station WHBU, Anderson, Indiana, or to any other existing or proposed station, will be exchanged with the parties on or before December 16, 1955.

b. The evidentiary hearing will begin Tuesday January 10, 1956. At this evidentiary hearing, all parties will offer in evidence the exhibits which they propose to offer in response to the engineering issues herein.

c. It is the intent of the Hearing Examiner to receive in evidence at the hearing which will start Tuesday, January 10, 1956, all exhibits and stipulations to which no objections are made as well as all exhibits which, after objections, are held to be legally admissible. The exhibits to which this paragraph refers are those which are to be exchanged among the parties on or before December 16, 1955.

d. The exhibits exchanged on December 16, 1955, may be offered in evidence at the January 10, 1956, hearing without the necessity of having an officer or member of the applicant present for such purpose. After the exhibits have been offered, counsel for each applicant will identify the person or persons he wishes to call to explain the exhibits as well as to identify the witness or witnesses of the opposing applicant he desires to call for cross-examination.

It is so ordered. This the 15th day of December 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10218; Filed, Dec. 20, 1955; 8:50 a. m.]

[Docket No. 11528; FCC 55M-1038]

WBUF-TV, INC., AND NATIONAL
BROADCASTING CO., INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of WBUF-TV Inc. (Assignor) and National Broadcasting Company, Inc. (Assignee) Docket No. 11528, File No. BAPCT-150; for assignment of the construction permit for Station WBUF-TV, Buffalo, New York.

The Hearing Examiner having under consideration the above-entitled proceeding; and

It appearing that National Broadcasting Company, Inc., did, on December 8, 1955, file its motion requesting that the above-entitled hearing, scheduled to begin on December 19, 1955, be continued; and

It further appearing that WGR Corporation did, on December 13, 1955, file "Comments of WGR Corporation on Motion For a Continuance" herein, which in substance opposed the motion of continuance heretofore referred to;

It is ordered, This 13th day of December 1955, that all parties or their attorneys are directed to appear for a prehearing conference, including oral arguments on said motion for continuance, pursuant to the provisions of section 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., December 16, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 55-10219; Filed, Dec. 20, 1955;
8:50 a. m.]

[Docket No. 11572]

WARNER & TAMBLE RADIO SERVICE, INC.

ORDER TO SHOW CAUSE WHY LICENSE SHOULD
NOT BE REVOKED

In the matter of Warner & Tamble Radio Service, Inc., Memphis, Tennessee, Docket No. 11572; order to show cause why the license for radiotelephone station WP-9369 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WB-9369, licensed to Warner & Tamble Radio Service, Inc., P. O. Box 166, Memphis 1, Tennessee, and located aboard the vessel "Advance"

It appearing that notices of violations of the Commission's rules in the operation of said station were given the licensee as follows:

(a) Notice dated April 29, 1955, specifying, among other things, violation of the following Commission rules as of April 15:

(1) Non-compliance with § 8.353 (b) by conducting communications from ship to ship on a frequency not assigned for that purpose by the Commission.

(2) Non-compliance with § 8.364 by failing to announce the call letters assigned at the beginning and conclusion of communications.

(b) Notice dated June 9, 1955, sent by Registered Mail, Return Receipt Requested, received by the licensee on June 22, 1955, which called attention, among other things, to the above noted violation of § 8.364 and also the further violation of § 8.601 (a) of the Commission's rules for failure to reply thereto. This notice also requested a response within 10 days of receipt;

It further appearing that as of this date the licensee has not answered either of the above-mentioned official violation notices;

It is ordered, This 14th day of December 1955 pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Warner & Tamble Radio Service, Inc., P. O. Box 166, Memphis 1, Tennessee, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing¹ to be held before this Commission at Washington, D. C., on the 13th day of February 1956;

It is further ordered, That the Secretary send a copy of this order to the licensee by Registered Mail—Return Receipt Requested.

Released: December 15, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 55-10221; Filed, Dec. 20, 1955;
8:51 a. m.]

[Docket No. 11577]

WILLIAM PURNELL

ORDER TO SHOW CAUSE WHY LICENSE SHOULD
NOT BE REVOKED

In the matter of William Purnell, Berlin, Maryland, Docket No. 11577; order to show cause why the license of Radiotelephone Station WE-8995 should not be revoked.

There being under consideration the matter of certain alleged violations of the

¹Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

Commission's rules in connection with the operation of station WE-8995, licensed to William Purnell, Bayridge Farm, RFD #2, Berlin, Maryland, and located aboard the vessel "Answer"

It appearing that notices of the violations of the Commission's rules in the operation of said station were given the licensee as follows:

(a) Notice dated July 21, 1955, specifying, among other things, that as of July 20, 1955, the licensee was in violation of section 8.363 of the Commission's rules for failure to keep a radio log.

(b) Notice dated August 31, 1955, sent by Registered Mail, Return Receipt Requested, received by Nancy Purnell as agent for the licensee on September 2, 1955, calling attention to the above noted violation and failure to reply thereto in violation of section 8.601 (a) of the Commission's rules. This notice also requested a response within 10 days of receipt;

It further appearing that as of this date the licensee has not answered either of the above-mentioned official violation notices;

It is ordered, This 14th day of December 1955, pursuant to section 312 (c) of the Communications Act of 1934, as amended, that the said William Purnell show cause why the aforesaid license should not be revoked and appear and give evidence in respect thereto at a hearing¹ to be held before this Commission at Washington, D. C., on the 17th day of February 1956;

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said William Purnell, Bayridge Farm RFD #2, Berlin, Maryland.

Released: December 15, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 55-10223; Filed, Dec. 20, 1955;
8:51 a. m.]

[Docket No. 11530; FCC 55M-1042]

JAMES W. MILLER

ORDER CONTINUING HEARING

In re application of James W. Miller, Milford, Massachusetts, Docket No. 11530, File No. BP-9378; for construction permit.

The Hearing Examiner having under consideration a motion for a continuance of the above-entitled proceeding filed on December 12, 1955, by James W. Miller;

It appearing that the above-named applicant is now engaged in the preparation of an amendment which he believes will resolve all questions of interference and which would render the proposed hearing unnecessary and that the continuance is requested to provide time for completion of the amendment and to permit its processing by the Commission; and

It appearing further that no other participant in the proceeding has objected to grant of the motion;

It is ordered, This 16th day of December 1955, that the motion is granted, and the hearing now scheduled for January 6, 1956, is continued to 10:00 a. m., February 6, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10220; Filed, Dec. 20, 1955;
8:51 a. m.]

[Docket Nos. 11580, 11581; FCC 55-1229]

SHASTA TELECASTERS AND SACRAMENTO
BROADCASTERS, INC.

ORDER DESIGNATING APPLICATIONS FOR
CONSOLIDATED HEARING ON STATED
ISSUES

In re applications of Laurence W Carr, George C. Fleharty, William B. Nystrom, C. T. Ross, George H. Voorhes, Carl R. McConnell, Morris K. Cohen and Robert L. Hammett d/b as Shasta Telecasters, a Joint Venture, Redding, California, Docket No. 11580, File No. BPCT-2010; Sacramento Broadcasters, Inc., Redding, California, Docket No. 11581, File No. BPCT-2022; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of December 1955;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 assigned to Redding, California; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised of the fact that their applications were mutually exclusive, of the necessity for a hearing thereon, of all objections to their applications, and were given an opportunity to reply and

It further appearing that upon due consideration of the above applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory that Laurence W Carr et al, d/b as Shasta Telecasters, and Sacramento Broadcasters, Inc., are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast stations;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine on a comparative basis which of the proposed operations would better serve the public interest, convenience and necessity in the light of the record made with respect to signifi-

cant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 16, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10224; Filed, Dec. 20, 1955;
8:51 a. m.]

[Docket No. 11578]

FORD V THIBODEAUX & H. J. ESTAVE

ORDER TO SHOW CAUSE WHY LICENSE
SHOULD NOT BE REVOKED

In the matter of Ford V Thibodeaux & H. J. Estave, Amelia, Louisiana, Docket No. 11578; order to show cause why the license for Radiotelephone Station WD-2856 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of station WD-2856 licensed to Ford V Thibodeaux and H. J. Estave, Amelia, Louisiana, and located aboard the vessel "Patricia"

It appearing that notices of the violations of the Commission's rules in the operation of said station were given the licensees as follows:

(a) Notice dated March 31, 1955, for violation on March 30, 1955, of section 8.108 of the Commission's rules for transmitting harmonic emissions outside the authorized frequency.

(b) Notice dated May 26, 1955, for violation of section 8.364 (a) of the Commission's rules by failing to identify the station by the assigned call letters.

(c) Notice dated June 2, 1955, sent by Registered Mail, Return Receipt Requested, which was received by the licensees on June 9, 1955, again calling attention to the violation contained in the Notice of March 31, 1955. This notice also noted the violation of section 8.601 (a) for failure to reply thereto and requested a response within 10 days of receipt.

(d) Notice dated June 20, 1955, sent by Registered Mail, Return Receipt Requested, which was received by the licensees on June 23, 1955, calling atten-

tion to the violation contained in the notice of May 26, 1955. This notice also noted the violation of section 8.601 (a) for failure to reply thereto and requested a response within 10 days of receipt;

It further appearing that as of this date the licensee has not answered any of the above-mentioned official violation notices;

It is ordered, This 14th day of December 1955 pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Ford V Thibodeaux & H. J. Estave, Amelia, Louisiana, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing¹ to be held before this Commission at Washington, D. C., on the 15th day of February 1956,

It is further ordered, That the Secretary send a copy of this Order to the licensee by Registered Mail—Return Receipt Requested.

Released: December 15, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10223; Filed, Dec. 20, 1955;
8:51 a. m.]

[Docket Nos. 11582, 11583; FCC 55-1233]

DALE R. CURTIS AND TOOELE COUNTY RADIO AND TELEVISION BROADCASTING, INC.

ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of Dale R. Curtis, Salt Lake City, Utah, Docket No. 11582, File No. BP-9925; Tooele County Radio and Television Broadcasting, Inc., Tooele, Utah, Docket No. 11583, File No. BP-9966; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of December 1955;

The Commission having under consideration the above-entitled applications

¹Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

of Dale R. Curtis and Tooele County Radio and Television Broadcasting, Inc., each for a construction permit for a new standard broadcast station to operate on 990 kilocycles with a power of one kilowatt, daytime only, at Salt Lake City, Utah, and Tooele, Utah, respectively and

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that operation of both stations as proposed would result in mutually destructive interference; that the geographical coordinates specified in the application of Tooele County Radio and Television Broadcasting, Inc., are in error, and, therefore, a determination has not been made as to whether the antenna tower construction proposed by this applicant would create a hazard to air navigation; and that there is a large discrepancy between the two proposals as to the area and number of persons encompassed within the interference-free (0.5 mv/m) contours that cannot be readily explained by the difference in site locations; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated October 3, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would serve the public interest; and

It further appearing that a timely reply was filed by Dale R. Curtis; and

It further appearing that Tooele County Radio and Television Broadcasting, Inc., in replies dated November 11 and November 14, 1955, submitted additional financial data and information regarding the location of the proposed antenna site, but the exact geographical coordinates of the proposed site were not specified, and, therefore, a determination has still not been made as to whether the proposed tower construction would create a hazard to air navigation; and requested that its application be granted without hearing; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary.

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.
2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations would better provide a fair, efficient and equitable distribution of radio service.
3. To determine whether the antenna system in the proposed operation of Tooele County Radio and Television

Broadcasting, Inc., would constitute a hazard to air navigation.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

Released: December 16, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10225; Filed, Dec. 20, 1955;
8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4911 etc.]

SUNRAY MID-CONTINENT OIL CO.¹

NOTICE OF APPLICATIONS AND DATE OF
HEARING

DECEMBER 14, 1955.

Sunray Mid-Continent Oil Company, Applicant, filed applications as hereinafter specified. Applicant, a Delaware corporation, with its principal place of business at Tulsa, Oklahoma, has applied for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces and sells natural gas for transportation in interstate commerce for resale.

Docket No., Date Filed; Location of Field;
and Buyer

G-4911, G-4913 and G-4920; 11-17-54; Snyder Field, Scurry County, Texas; Lone Star Gas Company.

G-4912 and G-4917; 11-17-54; Mineral Field and South Mineral Fields, Bee County, Texas; Transcontinental Gas Pipe Line Corporation.

G-4914, G-4915 and G-4918; 11-17-54; Panhandle Field, Moore and Hutchinson Counties, Texas; Phillips Petroleum Company.

G-4916; 11-17-54; Bowers Field, Gray County, Texas; Transcontinental Gas Pipe Line Corporation.

G-4919; 11-17-54; Goebel Field, Live Oak County, Texas; Transcontinental Gas Pipe Line Corporation.

G-4944 to G-4954, inclusive; 11-18-54; Mission River, Slick-Wilcox, Burnell, Boyce and Brandt, South Weesatche, Herdso Creek, Mustang Island, Red Fish Bay, and Marshall Fields, Refugio, Goliad, De Witt, Bee, Karnes

¹Effective May 16, 1955, Mid-Continent Petroleum Corporation merged into Sunray Oil Corporation and Sunray Oil Corporation changed its name to Sunray Mid-Continent Oil Company and adopted the applications of Sunray Oil Corporation in the dockets listed herein.

and Neuces Counties, Texas; United Gas Pipe Line Company.

G-6044 and G-6046; 11-26-54; West Edmond Hutton Lime Field, Logan, Canadian, and Kingfisher Counties, Oklahoma; Cities Service Gas Corporation.

G-6045 and G-6057; 11-26-54; Cotton Valley Field, Webster Parish, Louisiana; United Gas Pipe Line Company.

G-6047; 11-26-54; North McFaddin Field, Victoria County, Texas; United Gas Pipe Line Company.

G-6048; 11-26-54; Eagan Field, Acadia Parish, Louisiana; Transcontinental Gas Pipe Line Corporation.

G-6049 and G-6050; 11-26-54; Driscoll and Bear Creek Fields, Bienville Parish, Louisiana; Arkansas Louisiana Gas Company.

G-6051 and G-6054; 11-26-54; Eagan and Northwest Branch Fields, Acadia Parish, Louisiana; United Gas Pipe Line Company.

G-6053; 11-26-54; Gibson Field, Terrebonne Parish, Louisiana; United Gas Pipe Line Company.

G-6059; 11-26-54; Santell Field, Bossier Parish, Louisiana; Arkansas Louisiana Gas Company.

G-6059; 11-26-54; Iowa Field, Jefferson Davis Parish Louisiana; United Gas Pipe Line Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 13, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of section 130 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 30, 1955. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10194; Filed, Dec. 20, 1955;
8:45 a. m.]

[Docket No. E-6351]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF SUPPLEMENTAL APPLICATION

DECEMBER 15, 1955.

Take notice that on December 12, 1955, a supplemental application was filed by the California Electric Power Company (Applicant) a corporation organized and existing under the laws of

the State of Delaware, qualified to do business as a foreign corporation in the States of Arizona, California and Nevada, with its principal place of business in Riverside, California, for authorization, pursuant to section 202 (e)

of the Federal Power Act, to export electric energy from the United States to Mexico to its wholly owned subsidiary, Industrial Electrica Mexicana, S. A. de C. V., in the amounts and at the rates hereinafter set forth:

Year	In or near Calexico, Calif.		Near Andrade, Calif.		Near Gadsden, Ariz.	
	Kwh.	Kw.	Kwh.	Kw.	Kwh.	Kw.
1956.....	130,000,000	30,000	42,000,000	18,000	15,000,000	4,000

The requested authorization would supersede that heretofore granted by order of the Commission issued September 13, 1955, in the above docket, wherein Applicant was authorized to export the following amounts of electric energy:

Year	In or near Calexico, Calif.		Near Andrade, Calif.		Near Gadsden, Ariz.	
	Kwh.	Kw.	Kwh.	Kw.	Kwh.	Kw.
1955.....	115,000,000	27,000	10,000,000	4,000	13,000,000	4,000
1956.....	130,000,000	30,000	30,000,000	10,000	13,000,000	4,000

That authorization was conditioned upon the transmission of those amounts of energy over facilities specified in a Presidential Permit to the Applicant to construct, operate, maintain and connect facilities at the international border between the United States and Mexico which was signed by the President of the United States on November 5, 1949 (Docket No. E-6223). The amounts of energy which Applicant presently seeks to export would be transmitted over those same facilities except that in the case of the exportation made in the vicinity of Andrade, California, Applicant proposes to replace the existing facilities with new facilities to be completed on or about April 1, 1956. By companion supplemental application filed December 12, 1955, in Docket No. E-6223, Applicant seeks authorization, pursuant to Executive Order No. 10485, to construct, maintain, operate and connect the proposed new facilities at the international border and to remove existing facilities which would then be replaced thereby.

Any person desiring to be heard or to make any protest with reference to the aforesaid supplemental application should, on or before January 4, 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's General Rules and Regulations. The application is on file for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10193; Filed, Dec. 20, 1955; 8:45 a. m.]

[Docket No. G-5122 etc.]

SUNRAY MID-CONTINENT OIL CO.¹

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 14, 1955.

Sunray Mid-Continent Oil Company (Applicant) filed applications as here-

¹Effective May 16, 1955, Mid Continent Petroleum Corporation merged into Sunray Oil Corporation and Sunray Oil Corporation changed name to Sunray Mid-Continent Oil Company and adopted the applications of Sunray Oil Corporation in the dockets listed herein.

inafter specified. Applicant, a Delaware corporation with its principal place of business at Tulsa, Oklahoma, has applied for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to render and terminate services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces and sells natural gas for transportation in interstate commerce for resale.

Docket No., Date Filed; Location of Field; and Buyer

G-5122; 11-19-54; Gladys Powell Field, Goliad County, Texas; Texas Eastern Transmission Corporation.

G-5123; 11-19-54; Placedo, Harper, McFaddin and East Placedo Fields, Victoria and Calhoun Counties, Texas; Tennessee Gas Transmission Company.

G-5124; 11-19-54; Wyrick Field, Refugio County, Texas; Tennessee Gas Transmission Company.

G-5125; 11-19-54; North Lissie Field, Wharton County, Texas; Tennessee Gas Transmission Company.

G-5126 and G-5130; 11-19-54; Karon and North Goebel Fields, Live Oak County, Texas; Texas Eastern Transmission Corporation.

G-5127; 11-19-54; East Meyersville Field, DeWitt County, Texas; Texas Eastern Transmission Corporation.

G-5128; 11-19-54; Holzmark-Wilcox Field, Bee County, Texas; Texas Eastern Transmission Corporation.

G-5129 and G-5132; 11-19-54; Hordes Creek Field, Goliad County, Texas; Texas Eastern Transmission Corporation.

G-5131; 11-19-54; Hostetter and North Hostetter Fields, Live Oak, McMullen and Duval Counties, Texas; Texas Eastern Transmission Corporation.

G-5134; 11-19-54; Cabeza Creek Field, Goliad County, Texas; United Gas Pipe Line Company.

G-5135; 11-19-54; La Gloria Field, Jim Wells and Brooks Counties, Texas; Transcontinental Gas Pipe Line Corporation.

G-5172; 11-22-54; Drinkard Field, Lea County, New Mexico; Permian Basin Pipe Line Company.

G-5173; 11-22-54; Guymon-Hugoton Field, Texas County, Oklahoma; Northern Natural Gas Company.

G-5174; 11-22-54; Monument Field, Lea County, New Mexico; El Paso Natural Gas Company.

G-5175; 11-22-54; North McFaddin Field, Victoria County, Texas; United Gas Pipe Line Company.

G-5176; 11-22-54; Hugoton Field, Stevens County, Texas; Panhandle Eastern Pipe Line Company.

G-5177; 11-22-54; Jal Field, Lea County, New Mexico; El Paso Natural Gas Company.

G-5178; 11-22-54; Hugoton Field, Kearney County, Texas; Cities Service Gas Company.

G-5179; 11-22-54; Doyle Field, Stephens County, Oklahoma; Lone Star Gas Company.

Applicant in Docket No. G-5122 filed a supplement on August 9, 1955, requesting authority to abandon service pursuant to section 7 (b) of the Natural Gas Act because production from its single well ceased on September 21, 1954 and the well was plugged and abandoned on February 8, 1955.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 12, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10195; Filed, Dec. 20, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 16, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31436: *Liquefied petroleum gas—Southwest to W T L., Illinois and Southwestern Territories.* Filed by F. C. Kratzmeier, Agent, for interested rail

carriers. Rates on liquefied petroleum gas, tank-car loads from origins in the Southwest as described in the application to destinations in the Southwest, also in Illinois and western trunk line territories.

Grounds for relief: Rates constructed on bases prescribed, or related to bases prescribed, in Montana-Dakota Utilities Co. v. Atchison, Topeka & Santa Fe Ry. Co. 268 I. C. C. 769, and circuitry.

FSA No. 31437: *Coal—Alabama mines to Alabama points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on coal, carloads from mines on applicants' lines in Alabama to destinations on Central of Georgia Railway in Alabama over interstate routes.

Grounds for relief: Maintenance of rates over applicants' circuitous routes same as those prescribed by this Commission in Docket 31321.

Tariffs: Supplement 25 to Central of Georgia Ry. tariff I. C. C. 3297; Supplement 15 to St. Louis-San Francisco Ry. I. C. C. A-580.

FSA No. 31438: *Cinders—Ohio to Central and Illinois Territories.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cinders, clay or shale, carloads from Cleveland and South Park, Ohio to specified points in Illinois, Iowa, Michigan, Missouri, Ohio, West Virginia and Wisconsin.

Grounds for relief: Short-line distance scales and circuitry.

Tariff: H. R. Hinsch, Agent, tariff I. C. C. No. 4622, and six other tariffs.

FSA No. 31439: *Grain and products—Kansas City, Mo.-Kans., to New Orleans, La.* Filed by Kansas City Southern Railway Company, for interested rail carriers. Rates on grain, grain products and related articles, carloads from Kansas City, Mo.-Kans., to New Orleans, La., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 24 to Kansas City Southern Railway tariff I. C. C. 5303.

FSA No. 31440: *Substitute service—Pennsylvania Railroad Company.* Filed by Central States Motor Freight Bureau, Inc., Agent, for The Pennsylvania Railroad Company, Eazor Express, Inc., and other interested motor carriers. Rates on various commodities in trailers, loaded on railroad flat cars between Chicago, Ill., and points beyond, on the one hand, and Pittsburgh, Pa., and points beyond, on the other.

Grounds for relief: Motor carrier competition.

Tariff: Central States Motor Freight Bureau, Inc. tariff I. C. C. No. 25, MF-I. C. C. No. 820.

FSA No. 31441: *Woodpulp from the South to W. T. L. Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on woodpulp, carloads from Foley, Fla., and Claxtonville, Ga., to points in western trunk line territory.

Grounds for relief: Circuitry.

Tariff: Supplement 104 to Agent Spaninger's tariff I. C. C. No. 1260.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-10084; Filed, Dec. 20, 1955; 8:45 a. m.]

[Notice 91]

MOTOR CARRIER APPLICATIONS

DECEMBER 16, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by and explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publications of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 623 Sub 12, filed December 8, 1955, H. MESSICK, INC., P. O. Box 214, Duquesne & Newman Roads, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 209 Joplin National Bank Bldg., Joplin, Mo. For authority to operate as a contract carrier, over irregular routes, transporting: *Blasting supplies, materials and agents, ammonium nitrate*, and ingredients used in the manufacture of explosives, (1) from points in Jasper County, Mo., to points in Montana; (2) between the plant site of the Hercules Powder Company, located about five miles southwest of Carthage, Mo., and the plant site of the Hercules Powder Company, located about two miles west of Webb City, Mo., on the one hand, and, on the other, Collinsville, Ill., and Hobbs, N. Mex., and points in Arkansas, Kansas, Missouri, Oklahoma, Texas, Iowa, Nebraska, and Louisiana; (3) between points in Jasper County, Mo., and Turck, Kans., on the one hand, and, on the other, points in Illinois, Michigan, Wisconsin, Minnesota, North Dakota and South Dakota; (4) from the plant site

of the Hercules Powder Company about five miles southwest of Carthage, Mo., and from the site of a Hercules Powder Company explosives magazine about two miles west of Webb City, Mo., to the site of an explosives magazine about five miles east of Tatum, N. Mex., and returned shipments of the above commodities on return. Applicant is authorized to conduct irregular route operations in Missouri, New Mexico, Arkansas, Kansas, Oklahoma, Texas, Iowa, Nebraska, Louisiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota and Montana.

No. MC 2229 Sub 74, filed October 28, 1955, RED BALL MOTOR FREIGHT, INC., 1210 S. Lamar St., P. O. Box 3148, Dallas, Tex. Applicant's attorney: Scott P. Sayers, Century Life Bldg., Fort Worth, Tex. For authority to operate as a common carrier over a regular route, operating between Texarkana, Tex. and El Dorado, Ark. over U. S. Highway 82, serving no intermediate points, for operating convenience only, as a connecting route in connection with carrier's authorized operations to transport (1) general commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Shreveport, La. and El Dorado, Ark., serving all intermediate points, over U. S. Highways 79 and 80, Louisiana Highway 70, and Arkansas Highway 15; (2) general commodities, except commodities of unusual value, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Texarkana, Tex. and Mount Pleasant, Tex., over U. S. Highway 67; and (3) dangerous explosives and general commodities, except those of unusual value, and household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, from Bells, (Tex.) to Texarkana over U. S. Highway 82. Applicant is authorized to conduct operations in Texas, Louisiana, and Oklahoma.

No. MC 9789 Sub 4, filed December 8, 1955, THOMAS C. DYER, INC., East 4031 Trent, Spokane, Wash. For authority to operate as a common carrier, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, and their products and by-products; and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines; and *wooden slides, heavy timbers, wood piling, lumber wood construction poles, and contractors equipment, materials and supplies*, between points in North Dakota, Montana and Minnesota. Applicant is authorized to conduct irregular route operations in

California, Idaho, Montana, Oregon and Washington.

No. MC 20793 Sub 20, filed December 5, 1955, WAGNER TRUCKING CO., INC., Jobstown, N. J., Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Brick*, from Richland Township, Bucks, County, Pa., to points in New Jersey, points in Delaware, Orange and Rockland Counties, N. Y., and that part of New York on and east of U. S. Highway 9W and south of U. S. Highway 20, including New York, N. Y., and points on Long Island, N. Y., and points in Connecticut on and west of U. S. Highway 5. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

No. MC 30867 Sub 62, filed November 14, 1955, CENTRAL FREIGHT LINES, INC., 303 S. 12th St., Waco, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excepting those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Liberty, Tex., and Anahuac, Tex., over Farm to Market Highway No. 563, serving all intermediate points. Applicant is authorized to conduct operations in Texas.

No. MC 42329 Sub 116, filed December 5, 1955, HAYES FREIGHT LINES, INC., 628 East Adams, Springfield, Ill. For authority to operate as a *common carrier* irregular routes, transporting: *Class A, B, and C explosives* as defined by the Commission, serving Kingsbury Ordnance Plant, at or near Kingsbury, Ind., as an off-route point in connection with applicant's authorized regular-route operations between (1) Chicago, Ill., and Youngstown, Ohio, and (2) South Bend, Ind., and Louisville, Ky. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Kentucky, Tennessee, Indiana, Illinois, West Virginia, Missouri, Iowa, and Michigan.

No. MC 42487 Sub 301, filed December 9, 1955, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Qumby St., Portland, Ore. Applicant's attorney: Donald A. Schafer, 803 Public Service Building, Portland 4, Ore. For authority to operate as a *common carrier* over irregular routes, transporting: *Acids, chemicals and chemical solutions; Fertilizers, organic or non-organic; Fish oil and marine animal solubles; Foodstuffs, beverages or beverage preparations; Gases, compressed; Glue, casein liquid or glue stock; Liquors, such as wine and/or alcoholic; Paints, and paint materials; Paraffin wax; Petrochemicals; Sizing, rosin or emulsified petroleum or sizing; Tallow; Wood preservatives; Alcohol, industrial and medicinal; in bulk, in tank vehicles, between points in Oregon, Washington, California, Idaho, Montana, Utah and Nevada.* Applicant is authorized to conduct operations in Oregon, Washington, Idaho, California,

Minnesota, Montana, North Dakota, Utah, Illinois, Iowa, Wyoming, South Dakota, Nebraska, and Nevada.

No. MC 44947 Sub 12, filed December 8, 1955, DEIOMA TRUCKING CO., a corporation, Box 11, East Sparta, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier* over irregular routes, transporting: *Clay products*, from points in Scioto and Portage Counties, Ohio, to points in Indiana, and *pallets, skids, and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Delaware, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

No. MC 45626 Sub 31, filed December 7, 1955, VERMONT TRANSIT CO., INC., 343 North Winoski Avenue, Burlington, Vt. Applicant's attorney: Ianwood C. Major, Jr., 2001 Massachusetts Avenue, NW., Washington 6, D. C. For authority to operate as a *common carrier* over regular routes, transporting: *Express, mail, and newspapers* in the same vehicle with passengers, (a) between Boston, Mass., and Ascutney, Vt., from Boston over U. S. Highway 3 via Billerica, Mass., to junction Massachusetts Highway 3-A, thence over Massachusetts Highway 3-A via Lowell, Mass., to junction U. S. Highway 3 at North Chelmsford, Mass., thence over U. S. Highway 3 to Concord, N. H., thence over U. S. Highway 202 to Hopkinton, N. H., thence over New Hampshire Highway 103 to the Connecticut River, thence across the Connecticut River to Ascutney, and return over the same route, serving all intermediate points, except no local transportation between Boston, Mass., and Concord, N. H., or points intermediate thereto; (b) Following three routes are for operating convenience only: between Concord, N. H., and White River Junction, Vt., over U. S. Highway 4, serving no intermediate points; (c) between Lowell, Mass., and Tyngsboro, Mass., over Massachusetts Highway 113, serving no intermediate points; and (d) between junction U. S. Highway 3 and Massachusetts Highway 3-A near Billerica, Mass., and junction U. S. Highway 3 and Massachusetts Highway 3-A near North Chelmsford, Mass., over U. S. Highway 3, serving no intermediate points. Applicant is authorized to conduct operations in Maine, Massachusetts, New Hampshire, New York, and Vermont.

NOTE: Applicant states that the purpose of this application is to seek authority to transport *express, mail, and newspapers* in the same vehicle with passengers, over routes already contained in Certificate No. MC 45626 dated July 28, 1950, in order to provide a consistent over-all service to the travelling and shipping public. Applicant further states that the authority sought herein is an incidental service in connection with passenger operations being performed over each of the routes involved herein, subject to the restriction set forth in (a) above.

No. MC 45829 Sub 26, filed September 12, 1955, CAROLINA MOTOR EXPRESS LINES, INC., EARL R. COX, RECEIVER,

708 South West Street, P. O. Box 1061, Indianapolis, Ind. Applicant's attorney: David G. Macdonald, Commonwealth Building, 1625 K Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Richmond, Va., and Charleston, W. Va., from Richmond over U. S. Highway 250 to junction Virginia Highway 12, thence over Virginia Highway 12 to junction U. S. Highway 11, thence over U. S. Highway 11 to junction U. S. Highway 60, thence over U. S. Highway 60 to Charleston, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular route operations through combination of regular routes between (1) Charleston, W. Va., and Princeton, W. Va., which is a portion of regular route operations between Speedway, Ind., and Greensboro, N. C., (2) Princeton, W. Va., and Roanoke, Va., which is a portion of regular route operations between Princeton, W. Va., and Greensboro, N. C., (3) Charleston, W. Va., and Clifton Forge, Va., which is a portion of alternate route operations between Charleston, W. Va., and Roanoke, Va., and (4) regular route operations sought in proceeding No. MC 45829 Sub 25 between Richmond, Va., and Roanoke, Va., wherein as of the time of filing of the present application operating authority has not as yet been issued. Service to Richmond is restricted to traffic moving from or through Indianapolis, Ind., and service from Richmond is restricted to traffic moving to or through regular route points specified in Certificate issued in No. MC 45829 in West Virginia, Ohio, and Indiana. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, North Carolina, Ohio, Virginia and West Virginia.

No. MC 50069 Sub 165, filed December 2, 1955, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Applicants' attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals, vegetable and animal inedible oils, greases, tallow and acids, paint, and paint material* in bulk, in tank trucks, from points in Indiana located in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Illinois. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, Illinois, Pennsylvania, West Virginia, Kentucky, Missouri, Wisconsin, Iowa, Minnesota, New Jersey and New York.

No. MC 50069 Sub 166, filed December 2, 1955, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum and petroleum*

products in bulk, in tank vehicles, from Lima, Ohio and points within 10 miles thereof, to points in that part of Michigan on and north of a line commencing at the Michigan-Indiana State Line at or near Michiana, Mich., and extending along the Michigan-Indiana State Line to its junction with U. S. Highway 31, thence along U. S. Highway 31 to Niles, Mich., thence along Michigan Highway 40 to its junction with U. S. Highway 12, thence along U. S. Highway 12 to Detroit, Mich. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, Illinois, Pennsylvania, West Virginia, Kentucky, Missouri, Wisconsin, Iowa, Minnesota, New Jersey, and New York.

No. MC 52713 Sub 6, filed October 26, 1955 (Amended) published page 8409 issue of November 9, 1955, MAXINE HUTCHENS AND B. F. BABB, doing business as CASSVILLE TRUCK LINE, Cassville, Mo. Applicant's attorney: Joseph R. Nacy, 117 W. High St., Jefferson City, Mo. For authority to operate as a common carrier over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Springfield, Mo., and the Missouri-Arkansas State Line, from Springfield, over U. S. Highway 60 to junction Missouri Highway 37 at Monett, Mo., thence over Missouri Highway 37 to the Missouri-Arkansas State line, and return over the same route. Applicant is authorized to conduct operations in Missouri.

NOTE: Applicant holds authority between Springfield, Mo. and Seligman, Mo., over U. S. Highway 60 to Monett, Mo. and thence over Missouri Highway 37 to Seligman, serving the intermediate points of Cassville, Monett, Purdy, Butterfield, and Washburn, Mo. and the off-route point of Wayne, Mo.

No. MC 52713 Sub 7, filed November 2, 1955, published on November 16, 1955, on page 8509, and amended December 12, 1955, MAXINE HUTCHENS AND B. F. BABB, doing business as CASSVILLE TRUCK LINE, Cassville, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High St., Jefferson City, Mo. For authority to operate as a common carrier over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from Springfield, Mo., to Powell, Mo., from Springfield, over U. S. Highway 60 to Granby, Mo., and junction Newton County Road "H" thence over Newton County Road "H" to junction Newton County Road "D" thence over Newton County Road "D" to junction McDonald County Road "D" thence over McDonald County Road "D" to Longview, Mo., and junction Missouri Highway 44, thence over Missouri Highway 44 to junction McDonald County Road "E" thence over McDonald County Road "E" to Powell, and return over the same route, serving the intermediate points of Granby, and Longview, Mo. Appli-

cant is authorized to conduct operations in Missouri.

No. MC 66808 Sub 27, filed December 12, 1955, POWELL BROS. TRUCK LINES, INC., P. O. Box 269, Bolivar Rd. and High Street, Springfield, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a common carrier over a regular route, transporting: *General commodities*, including articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Mo., Kans., and Tulsa, Okla., over U. S. Highway 169, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations (a) between Kansas City, Mo., and Rogers, Ark., and (b) between St. Louis, Mo., and Tulsa, Okla. Applicant is authorized to conduct regular route operations in Arkansas, Kansas, Missouri, and Oklahoma, and irregular route operations in Illinois, Kansas, and Missouri.

No. MC 66808 Sub 28, filed December 12, 1955, POWELL BROS. TRUCK LINES, INC., P. O. Box 269, Bolivar Rd. and High Street, Springfield, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a common carrier, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Galena, Kans., and Wichita, Kans., from Galena (junction U. S. Highway 66 and Kansas Highway 26) over Kansas Highway 26 to junction Kansas Highway 96, thence over Kansas Highway 96 to junction U. S. Highway 160, thence over U. S. Highway 160 to junction U. S. Highway 75, thence over U. S. Highway 75 to junction Kansas Highway 96, thence over Kansas Highway 96 to junction Kansas Highway 47, thence over Kansas Highway 47 to junction Kansas Highway 96, thence over Kansas Highway 96 to Wichita, and return over the same route, serving no intermediate points. Applicant is authorized to conduct regular route operations in Arkansas, Kansas, Missouri, and Oklahoma, and irregular route operations in Illinois, Kansas, and Missouri.

No. MC 77135 Sub 11, filed December 5, 1955, PACIFIC TRUCK SERVICE, INC., 600 Park Avenue, San Jose, Calif. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco, Calif. For authority to operate as a common carrier over irregular routes, transporting: *Chemicals, acids, fertilizers, coal tar products, latex and liquified gases* other than liquefied petroleum bases, in bulk, in tank vehicles and trailers, (1) between points in California, and (2) between points in California, on the one hand, and, on the other, points in Oregon, Washington, Nevada, Utah and Idaho.

No. MC 84737 Sub 66, filed December 5, 1955, R. D. NILSON, doing business as NILSON MOTOR EXPRESS, P. O. Box 402, Myers Branch, Charleston, S. C. Applicant's attorney: Frank A. Graham,

Jr., 406-7 Palmetto Building, Columbia 1, S. C. For authority to operate as a common carrier over irregular routes, transporting: *Roofing, siding, roofing materials and siding materials*, more particularly described in the application, from Charleston and the Charleston Commercial Zone, S. C., as defined by the Commission, to points in Florida on and east of U. S. Highway 41, extending from the Georgia-Florida State line to Dunnellon, and on and south of Florida Highway 40, extending from Dunnellon to Yankeetown, Fla., except Jacksonville and Jacksonville Beach, Fla. Applicant is authorized to conduct operations in Georgia, Louisiana, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and the District of Columbia.

No. MC 82161 SUB 43, filed November 21, 1955, INLAND PETROLEUM TRANSPORTATION COMPANY, INC., 5047 Colorado Avenue, Seattle, Wash. For authority to operate as a common carrier, over irregular routes, transporting: *Acids and chemicals*, including but not limited to those defined by the Commission, such as *chemicals in solution, liquid chemical fertilizers, and chemical fertilizer solutions, rosin size, liquid glue, hydrogenated tallow and hydrogenated animal oils, sodium cresylate solution crude liquid, and unrefined liquid crude petroleum tar acid*, in bulk, in tank vehicles, between points in Washington, Oregon, California, Idaho, and Montana; and *compressed hydrogen gas*, in bulk, in multi-cylinder tank vehicles, from San Francisco and Martinez, Calif., to Shell, Wash., located approximately seven (7) miles east of Anacortes, Wash., and *contaminated shipments* of compressed hydrogen gas on return movements. Applicant is authorized to conduct operations in Idaho and Washington.

NOTE: Applicant states it is agreeable to waive any duplicating authority resulting from instant application.

No. MC 83617 Sub 12, filed December 9, 1955, FREEMAN A. LEWIS, doing business as LEWIS TRUCK LINES, P. O. Box 676, Conway, S. C. Applicant's attorney: Frank A. Graham, Jr., 406-7 Palmetto Bldg., Columbia, S. C. For authority to operate as a common carrier, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Horry County, S. C., on the one hand, and, on the other, points in that part of North Carolina bounded by a line beginning at a point on U. S. Highway 21 near Pineville on the North Carolina-South Carolina State Line and extending in a northerly direction along U. S. Highway 21 to Charlotte; thence in a northeasterly direction along U. S. Highway 29 to Greensboro; thence in an easterly direction along U. S. Highway 70 to Morehead City; thence in a northerly direction along the Atlantic Ocean to the North Carolina-Virginia State Line; thence in a westerly direction along the North Carolina-Virginia State Line to a point on U. S. Highway

221 near Twin Oaks; thence in a southerly direction along U. S. Highway 221 to intersection U. S. 221 and North Carolina-South Carolina State Line; and thence in an easterly direction along the North Carolina-South Carolina State Line to point of beginning, including all points on said described highways state lines.

No. MC 92983 Sub 143, filed December 12, 1955, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a *common carrier* over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Dubuque, Iowa, to Finley and Minot, N. Dak. Applicant is authorized to conduct operations in Wisconsin, Kansas, Iowa, Nebraska, Illinois, Minnesota, and Oklahoma.

No. MC 92983 Sub 144, filed December 12, 1955, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a *common carrier* over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from points in Arkansas, Illinois, Indiana, Kansas, Michigan, Missouri, Ohio, Oklahoma, New Jersey, Pennsylvania, New York, and Texas, to points in Iowa. Applicant is authorized to conduct operations in Wisconsin, Kansas, Iowa, Nebraska, Illinois, Minnesota, and Oklahoma.

No. MC 92983 Sub 145, filed December 12, 1955, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a *common carrier* over irregular routes, transporting: *Vegetable oils and blends thereof*, and *vegetable oil products*, in bulk, in tank vehicles, from Evadale, Ark., to points in Alabama, Colorado, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, Texas, and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Missouri, Kansas, Nebraska, New York, Pennsylvania, and Tennessee.

No. MC 92983 Sub 146, filed December 12, 1955, ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. For authority to operate as a *common carrier* over irregular routes, transporting: *Feed*, in bags, and in bulk, and *soybean oil*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to Davenport, Dubuque and Muscatine, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Missouri, Nebraska, South Dakota, Kansas, New York, Tennessee, Texas, Ohio, Arkansas, Georgia, and Mississippi.

No. MC 95540 Sub 265, filed October 5, 1955, published on page 8059, issue of October 26, 1955, and amended December 5, 1955, WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, 205 Jackson Bldg., Gainesville, Ga. For authority to operate as a *common contract*, over irregular routes, transporting: *Wine, canned goods, and prepared foods*, from points in New York and Pennsylvania on and west of U. S. Highway 11, and from Canajoharie, N. Y., to points in Alabama, Florida, Georgia, and South Carolina. Applicant is authorized to conduct operations in New Jersey, Delaware, Maryland, North

Carolina, South Carolina, Georgia, and Virginia.

No. MC 102817 Sub 3, filed December 5, 1955, PERKINS TRUCKING, INC., 419 West Merrill Street, Indianapolis, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier* over irregular routes, transporting: *New furniture, bed springs, mattresses and store and office fixtures* (uncrated), and in cartons *when shipped with new furniture, bed springs, mattresses and store and office fixtures* uncrated, between points in Indiana, on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee and West Virginia. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee and West Virginia.

NOTE: Applicant is authorized in Certificate No. MC 102817 Sub 1 to transport *New furniture, bed springs, mattresses and store and office fixtures* (uncrated), over irregular routes, between points in the above-specified territory as applied for in this application, and by this application seeks authority to transport the named commodities in cartons when shipped with the same commodities uncrated.

No. MC 103880 Sub 153, filed October 21, 1955, published in the November 2, 1955 issue on Page 8236, amended December 8, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from points in Huntington County, Ind., to points in Ohio, Michigan, Illinois, Wisconsin, Missouri and Kentucky, and (2) *petroleum and petroleum products*, in bulk, in tank vehicles, from points in Huntington County, Ind., to points in Illinois. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia and Wisconsin.

No. MC 103880 Sub 162, filed December 6, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Carl L. Steiner, 139 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Brandenburg, Ky., and points within five miles thereof, to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and Tennessee. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

No. MC 104004 Sub 136, filed December 7, 1955, ASSOCIATED TRANSPORT, INC., 380 Madison Ave., New York 17, N. Y. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities*, including *those of unusual value, Class A and B explosives, household goods* as defined by the Commission, *commodities in bulk,*

and those requiring special equipment, between Bristol, Tenn., and Pittsburgh, Pa., over U. S. Highway 19 from Bristol to Princeton, W. Va., thence over U. S. Highway 219 to junction West Virginia Turnpike, thence over West Virginia Turnpike to Charleston, W. Va., thence over U. S. Highway 21 to Parkersburg, W. Va., thence over West Virginia Highway 2 to Wheeling, W. Va., thence over U. S. Highway 40 to Washington, Pa., thence over U. S. Highway 19 to Pittsburgh, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 107107 Sub 76, filed December 5, 1955, (Amended), ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, 2424 N. W. 46th Street, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Food, and beverages and ingredients thereof*, from points in Florida to points in Alabama, Arkansas, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Dakota, New York, New Jersey, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Tennessee, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Wisconsin, and the District of Columbia.

No. MC 108185 Sub 15, filed December 9, 1955, DIXIE HIGHWAY EXPRESS, INC., 1600 "B" Street, P. O. Box 471, Meridian, Miss. For authority to operate as a *common carrier*, transporting: *General commodities*, including *articles of unusual value*, but excluding coal and oil, Class A and B explosives, sand, gravel, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the proposed U. S. Navy Jet Air Base located on unnumbered highway between Litzella, Miss., and Lauderdale, Miss., as an off-route point in connection with regular route operations (a) between Meridian, Miss., and New Orleans, La., and (b) between Birmingham, Ala., and Jackson, Miss. Applicant is authorized to conduct operations in Alabama, Georgia, Louisiana, and Mississippi.

No. MC 108435 Sub 8, filed December 6, 1955, OSCAR C. RADKE, doing business as RADKE TRANSIT, 600 Grand Ave., Schofield, Wis. Applicant's attorney: Leonard E. Lindquist, Midland Bank Bldg., Minneapolis 1, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal and poultry feeds*, from Minneapolis-St. Paul Commercial Zone, Minn., to points

in the State of Wisconsin, except points within seventy-five miles of Coleman, Wis.

No. MC 110525 Sub 290, filed December 1, 1955, CHEMICAL TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's attorney: John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: (1) *Petroleum Solvents*, in bulk, in tank vehicles, from Bayonne, N. J. to Schenectady, N. Y., (2) *Vegetable Fatty Acids*, in bulk, in tank vehicles, from Boonton and Harrison, N. J. to Schenectady, N. Y., (3) *Castor Oil*, in bulk, in tank vehicles, from Guttenberg, N. J. to Schenectady, N. Y. and (4) *Cresylic Acid*, in bulk, in tank vehicles, from Lyndhurst, N. J. and Ports of Entry in the New York, N. Y. Commercial Zone, as defined by the Commission, to Schenectady, N. Y. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, District of Columbia, Georgia, Tennessee, Minnesota, Alabama and New Hampshire.

No. MC 111159 Sub 19, filed December 7, 1955, MILLER PETROLEUM TRANSPORTERS, LTD., a corporation, Post Office Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier* over irregular routes, transporting: *Urea Solution*, in bulk, in tank vehicles, from site of Grace Chemical Company Plant, Woodstock, (Shelby County) Tenn., to site of Spencer Chemical Company Plant, south of Vicksburg, (Warren County) Miss.

No. MC 111472 Sub 34, filed December 5, 1955, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Street, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier* over irregular routes, transporting: *Agricultural machinery, implements and parts*, as defined by the Commission, from West Bend, Wis., to points in Wyoming. Applicant is authorized to conduct operations in all states in the United States except Arizona, California, Florida, Idaho, Mississippi, Montana, Nevada, New Mexico, North Carolina, Oregon, South Carolina, Utah, Washington and Wyoming, and the District of Columbia.

No. MC 112020 Sub 13, filed November 4, 1955, published November 23, 1955 issue, page 8654, and amended December 6, 1955, COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Texas. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas, Texas. For authority to operate as a *common carrier* over irregular routes, transporting: *Fats, oils and greases, products and blends thereof*, other than petroleum and petroleum products and blends thereof, in bulk, in tank vehicles, between points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Mississippi, Nebraska, Oklahoma, Texas, Illinois and Indiana. Applicant is authorized to con-

duct operations in Texas, Louisiana, Arkansas, Oklahoma, and Kansas.

No. MC 113168 Sub 2, filed December 6, 1955, PARK TRUCKING AND SUPPLY, INC., 9341 Franklin Avenue, Franklin Park, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: (1) *Fly ash*, in bulk, in tank vehicles, from Chicago, Ill., to points in Indiana and Wisconsin; and (2) *cement*, in bulk, in tank vehicles, from Buffalo, Ind., to Algonquin, Dundee, Lake Zurich, and Woodstock, Ill.

No. MC 113192 Sub 6, filed September 8, 1955, amended September 19, 1955, published on page 7629, issue of October 12, 1955, and further amended December 5, 1955, A. E. SCHUELKE, doing business as SCHUELKE TRUCKING, 213 State St., New London, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Butter powdered milk, fresh and processed eggs, sugar, and containers and supplies* used or useful in the manufacture, processing or shipping of said commodities, for A. Sturn and Sons, from points in Michigan, Indiana, Illinois, Minnesota, and Iowa, to Manawa, Wis.

No. MC 113524 Sub 8, filed December 5, 1955, JAMES F. BLACK, DOING BUSINESS AS PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore, Md. Applicant's attorney: Dale C. Dillon, Suite 944 Washington Bldg., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank or hopper vehicles, from Delaware City, Del., to Baltimore, Md.

No. MC 113533 Sub 5, filed December 5, 1955 L. B. VINCENT GARDELLA, doing business as GARDELLA'S REFRIGERATED EXPRESS, 1951 East Ferry, Detroit 11, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier* over irregular routes, transporting: *Frozen foods*, from points in Maine to points in Michigan, Ohio, Indiana, Illinois, Pennsylvania and those in that part of New York on and West of U. S. Highway 9, extending from the New York-New Jersey State Line to its junction with New York Highway 5, thence along New York Highway 5 to Utica, N. Y., thence along New York Highway 69 to its junction with U. S. Highway 104, thence along U. S. Highway 104 to Oswego. Applicant is authorized to conduct operations in Michigan, Rhode Island, Connecticut, Massachusetts, New Jersey, New York and Pennsylvania.

No. MC 114091 Sub 9, filed December 1, 1955, DIRECT TRANSPORT OF KENTUCKY, INC., 3601 Seventh Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as defined by the Commission, from Crossville, Ill., and points within ten (10) miles thereof, to points in Ken-

tucky, except Louisville and Mumfordsville, Ky. Applicant is authorized to conduct operations in Illinois and Kentucky.

Note: Applicant has regular route authority in Certificate No. MC 114091, dated November 21, 1955, to transport petroleum and petroleum products, from Crossville and McMansboro, Ill., and points within ten miles of each, to Louisville, Ky. Applicant has also applied for authority to transport the above-described commodities over the territory described in the Federal Register of December 7, 1955 on Page 9002, MC 114091 Sub 6. Applicants' attorney states that no duplication of authority is sought herein.

No. MC 114475 Sub 2, filed December 5, 1955, GENERAL TRANSPORT, INC., 631 Second Avenue, South, Nashville, Tenn. Applicant's attorney: Lon P. MacFarland, Middle Tennessee Bank Bldg., Columbia, Tenn. For authority to operate as a *contract carrier* over irregular routes, transporting: *Buttermilk, condensed whole milk, condensed skim milk and ice cream mix*, between Chattanooga, Tenn., and points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin.

No. MC 114795 Sub 5, filed December 2, 1955, EDGAR W. LONG, Cumberland, Ohio. Applicant's attorney: Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Corrugated paperboard containers and parts thereof, and baled paperboard scrap*, from Cambridge, Ohio, to Pekin, Ind., points in West Virginia, and points in Pennsylvania on and west of U. S. Highway 219, and *corrugated paperboard sheets*, from points in West Virginia and points in Pennsylvania on and west of U. S. Highway 219 to Cambridge, Ohio. Applicant does not presently hold any authority to transport the commodities named in this application.

No. MC 115311 Sub 2, filed November 30, 1955, and amended December 7, 1955, J. & M. TRANSPORTATION CO., INC., P. O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Food containers*, such as tin cans, pulpboard cans, paper boxes, plastic or synthetic bags, glass bottles and jars, wax pulpboard cartons, cellophane bags, wax paper, and aluminum foil, from Auburndale, Jacksonville, Orlando, Plant City, Plymouth and Tampa, Fla., and Dayton, Tenn., to Andersonville and Montezuma, Ga.

No. MC 115361 Sub 3, filed December 5, 1955, ALBERT DURR, doing business as DURR MILK TRANSIT, Algonquin, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle St., Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Caskets*, uncrated, from Elgin, Ill., to points in the United States, including the District of Columbia, and (2) *returned shipments of caskets* from points in the United States, including the District of Columbia, to Elgin, Ill. Applicant does not presently hold any

authority to transport the commodity named in this application.

No. MC 115708, filed December 2, 1955, BRAXTON J. KNIGHT, doing business as KNIGHT TRANSFER, 3310 Naval Reserve, P. O. Box 357, Lynchburg, Va. Applicant's attorney: W. G. Burnette, 1104-5 Peoples National Bank Bldg., Lynchburg, Va. For authority to operate as a *contract carrier* over irregular routes, transporting: *Radioactive material, fuel elements for reactors, instruments and external parts of reactors, including heat exchangers and such other material and shipping containers necessary for the fabrication and transportation of nuclear reactors and fuel elements, commodities such as used by a manufacturer of radioactive material, and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Lynchburg, Va., and points in Bedford, Amherst, Nelson, Appomattox, Campbell, Buckingham, Prince Edward, Charlotte, Halifax and Pittsylvania Counties, Va., on the one hand, and, on the other, points in Maine, New Hampshire, Connecticut, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina, Alabama, Georgia, Florida, Mississippi, Tennessee, West Virginia, Louisiana, Ohio, Illinois, Michigan, Indiana, and the District of Columbia.

No. MC 115708 Sub 1, filed December 2, 1955, BRAXTON J. KNIGHT, doing business as KNIGHT TRANSFER, 3310 Naval Reserve, P. O. Box 357, Lynchburg, Va. Applicant's attorney: W. G. Burnette, 1104-5 Peoples National Bank Bldg., Lynchburg, Va. For authority to operate as a *contract carrier* over irregular routes, transporting: *Iron and steel articles such as structural steel, reinforced, fabricated, and other iron and steel articles received or shipped by businesses engaged in fabrication of iron and steel articles, materials used by fabricators, and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Lynchburg, Va., and points in Bedford, Amherst, Nelson, Appomattox, Campbell, Buckingham, Prince Edward, Charlotte, Halifax and Pittsylvania Counties, Va., on the one hand, and, on the other, points in North Carolina, Virginia, West Virginia, Maryland, South Carolina, Tennessee, and the District of Columbia.

No. MC 115710, filed December 6, 1955, LEONARD GELLER AND GEORGE BRAND, 689 Main Street, New Rochelle, N. Y. Applicant's attorney: J. A. Lieberman, 1776 Broadway, New York, N. Y. For authority to operate as a *contract carrier* over irregular routes, transporting: *Combination aluminum storm windows and doors, including screens and glass, uncrated and unpacked, from New York City and points in Nassau County, N. Y., and Newark, N. J., to Bridgeport, Clinton, Danbury, East Hartford, Fairfield, Greenwich, Hartford, New Haven, New London, Norwalk, Norwich, Stratford, Stamford, Waterbury, Westport,*

and Williamantic, Conn., Central Falls, East Providence, Newport, Pawtucket, Providence, Woonsocket and Saylesville, R. I., and Beverly, Boston, Brookline, Cambridge, Chelsea, Concord, Fall River, Gloucester, Holyoke, Lawrence, Lynn, Medford, Milton, Milford, North Adams, North Attleboro, Pittsfield, Norwood, Springfield, West Springfield and Worcester, Mass., and returned shipments of the above-described commodities on return.

No. MC 115711, filed December 6, 1955, JOSEPH MASSARO AND BENJAMIN KARCHMER, doing business as K. & M. AUTO TRANSPORTATION, 145 Charles St., Boston 14, Mass. For authority to operate as a *common carrier* over irregular routes, transporting: *Automobiles, in secondary movements, via the drive-away method, between September 1 and May 1 both inclusive of each year, from points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island, to points in Florida.*

No. MC 115713, filed December 6, 1955, CALIFORNIA TRUCKING COMPANY, A CORPORATION, 317 S. Jones (P. O. Box 2166), Fort Worth, Texas. Applicant's attorney: M. Ward Bailey, 317 S. Jones, Fort Worth, Texas. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber hardwood flooring and moulding, from (1) points in Arkansas and Louisiana to points in Texas, and (2) points in Arkansas, Louisiana and Texas to points in New Mexico, Arizona, California, Colorado, Utah and Nevada.*

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 2880 Sub 8, filed December 5, 1955, SOMERSET BUS CO., INC., U. S. Highway 22, Mountainside, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage in the same vehicle with passengers, between Newark, N. J., and Jersey City, N. J., from the junction of the New Jersey Turnpike and the Jersey City Expressway, in Newark, N. J., over the Jersey City Expressway to its junction with U. S. Highway 1 in Jersey City, N. J., and return over the same route, serving no intermediate points.* Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 2880 Sub 9, filed December 5, 1955, SOMERSET BUS CO., INC., U. S. Highway 22, Mountainside, N. J. For authority to operate as a *common carrier* over regular routes, transporting: *Passengers and their baggage in the same vehicle with passengers, (1) between Madison, N. J., and Springfield, N. J., from the junction of Park Avenue and New Jersey Highway 24 in Madison, N. J., over New Jersey Highway 24 to the junction of New Jersey Highway 24 and Flemer Avenue in Springfield, N. J., and return over the same route, serving all intermediate points; (2) between Springfield, N. J., and Union, N. J., from the junction of New Jersey Highway 24 and Millburn Avenue in Springfield, N. J., over Millburn Avenue to the junction of Vaux Hall Road, thence over Vaux Hall*

Road to the junction of Vaux Hall Road and U. S. Highway 22 in Union, N. J., serving all intermediate points, and return from the junction of U. S. Highway 22 and Vaux Hall Road in Union, N. J., over Vaux Hall Road to Millburn, N. J., thence over Vaux Hall Road to the junction of Millburn Avenue, thence over Millburn Avenue to the junction of Essex Street, thence over Essex Street to the junction of Millburn Avenue, thence over Millburn Avenue to the junction of New Jersey Highway 24, serving all intermediate points; (3) between Springfield, N. J., and Millburn, N. J., from the junction of New Jersey Highway 24 and Main Street in Springfield, N. J., over Main Street to its junction with Millburn Avenue in Millburn, N. J., serving all intermediate points, and return from the junction of Essex and Main Streets in Millburn, N. J., over Main Street to its junction with New Jersey Highway 24 in Springfield, N. J., serving all intermediate points; (4) between Summit, N. J., and Springfield, N. J., from the junction of New Jersey Highway 24 and River Road in Summit, N. J., over River Road to its junction with Morris Avenue, thence over Morris Avenue to its junction with Broad Street, thence over Broad Street to Springfield, N. J., thence over Morris Avenue to the junction of New Jersey Highway 24, and return over the same route, serving all intermediate points.

No. MC 43267 Sub 9, filed November 28, 1955, MOHAWK COACH LINES, INC., 149 Liberty St., Little Ferry, N. J. Applicant's attorney: Robert E. Goldstein, 24 W 40th Street, New York 18, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Passengers, and their baggage in the same vehicle with passengers, in special round-trip operations restricted to the racing seasons, beginning and ending at Sparkill, Orangeburg, West Nyack, Valley Cottage, Congers, Haverstraw, West Haverstraw, Stony Point, Highland Falls, Cornwall, Newburgh, Beacon, Hughsonville, Wappingers Falls, and Poughkeepsie, N. Y., and extending to Monmouth Park Race Track, Oceanport, N. J., Garden State Race Track, Delaware Township, N. J., Freehold Trotting Track, Freehold, N. J., Atlantic City Race Track, Hamilton Township, N. J., Yonkers Raceway, Yonkers, N. Y., Roosevelt Raceway, Westbury, L. I., and Belmont Park Race Track, Elmont, L. I., N. Y., Aqueduct Race Track and Jamaica Race Track, New York, N. Y., Lincoln Downs, Lincoln, R. I., Narragansett Park, Pawtucket, R. I., Delaware Park, Stanton, Del., Pimlico Race Track, Baltimore, Md., Bowie Race Course, Bowie, Md., and Laurel Race Course, Laurel, Md.* Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 115445 Sub 1, filed December 7, 1955, G. & W. SCHOOL SERVICE, INC., 1714 East 17th Street, Brooklyn 29, N. Y. Applicant's attorney: William D. Traub, 60 East 42nd Street, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage in the same vehicle with passengers, in special operations, in non-scheduled*

door-to-door service, between New York, N. Y. and points in Monroe County, Pa. The proposed operation will be seasonal between May 15, and October 1 inclusive, from December 20, to January 3, inclusive, from February 10 to February 24 inclusive, and Thanksgiving Day and two days before and following Thanksgiving Day of each year.

No. MC 115704, filed December 2, 1955, TED CHESTER, doing business as NORTHERN OKLAHOMA COACHES, 301 North Sergeant, Joplin, Mo. Applicant's attorney: C. Zimmerman, 308 Schweiter Bldg., Wichita, Kans. For authority to operate as a common carrier over regular routes, transporting: *Passengers and their baggage, light express and newspapers*, in the same vehicle with passengers, (1) between Ponca City, Okla., and Pond Creek, Okla., from Ponca City, over U. S. Highway 60 to Pond Creek, and return over the same route, serving all intermediate points; (2) between Enid, Okla., and junction U. S. Highways 81 and 64, from Enid over U. S. Highway 81 to junction U. S. Highways 81 and 64, approximately four miles west of Pond Creek, Okla., and return over the same route, serving all intermediate points; and (3) between South Haven, Kans., and Caldwell, Kans., from South Haven over U. S. Highway 81 to Caldwell, and return over the same route, serving all intermediate points.

NOTE: Applicant states that authority sought hereunder is to be operated in conjunction with the authority to be acquired from Mid-Continent Coaches, Inc., No. MC-FC 58696.

CORRECTIONS

Application of LINCOLN TRANSIT CO., INC., East Paterson, N. J., published page 9004, issue of December 7, 1955. The docket number shown in this publication MC 58915 Sub 1 (one) was in error. The correct docket number assigned thereto is MC 58915 Sub 31 (thirty-one)

APPLICATIONS FILED UNDER SECTION 5 AND 210a (b)

NO. MC-F 6155. Authority sought for purchase by KATHERINE M. LEE and TIM M. BABCOCK, doing business as BABCOCK AND LEE, 1002—3rd Ave. N., Billings, Mont., of the operating rights and property of WALTER NEWTON, doing business as ROUNDUP TRANSIT CO., 1604—2nd St., W., Roundup, Mont. Applicants' attorney: James P. Lucas, Strong Block, Miles City, Mont. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a common carrier over regular routes, between Roundup, Mont., and Billings, Mont., serving all intermediate points. Vendee is authorized to operate in Montana and Wyoming. Application has been filed for temporary authority under Section 210a (b)

No. MC-F 6156. Authority sought for purchase by BEARD-LANEY, INCORPORATED, 1009 Church St., Camden, S. C., of a portion of the operating rights of J. C. HAGLER, JR., and T. W. HAGLER, doing business as HAGLER TRUCK COMPANY, 406 Marion Bldg., Augusta,

Ga., and for acquisition by J. T. LANEY and LEONA S. LANEY, both of Camden, of control of such operating rights through the purchase. Applicants' attorney: Frang A. Graham, Jr., 707 Security Federal Bldg., Columbia, S. C. Operating rights sought to be transferred: *Petroleum products*, as a contract carrier, over irregular routes, from Charleston, S. C., and points within 10 miles thereof, to certain points in North Carolina; *empty containers for petroleum products and filling station equipment*, from said destination points to said origin points; *filling station equipment*, from Charleston, S. C., to points in North Carolina; and *petroleum products*, from Wilmington, N. C., to Augusta, Atlanta and Savannah, Ga., and points in South Carolina. Vendee is authorized to operate as a common carrier in the States of Georgia, North Carolina, South Carolina, New York, Pennsylvania, New Jersey, Virginia, Florida, Tennessee, Maryland, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b)

No. MC-F 6157. Authority sought for purchase by DEATON TRUCK LINE, INC., 3409 Tenth Ave., North, Birmingham, Ala., of the operating rights of CAPITOL FREIGHT LINES, INC., 633 East St., Memphis, Tenn., and for acquisition by P. Y. WHITMAN, M. E. WHITMAN and H. C. WEBB, all of Birmingham, of control of such operating rights through the purchase. Applicants' attorneys: D. H. Markstein, Jr., and John W. Cooper, both of 818-821 Massey Bldg., Birmingham, Ala. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a common carrier over irregular routes, between Memphis, Tenn., on the one hand, and, on the other, points in Mississippi on and west of U. S. Highway 51 and on and north of U. S. Highway 82. DEATON TRUCK LINE, INC., is authorized to operate in Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Mississippi, and Louisiana. Application has been filed for temporary authority under Section 210a (b)

No. MC-F 6158. Authority sought for purchase by THE GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago 4, Ill., of a portion of the operating rights of GULF TRANSPORT COMPANY, 505 S. Conception St., Mobile, Ala. Applicant's attorney: Jack R. Turney, Jr., 2001 Massachusetts Ave., N. W., Washington 6, D. C. Operating rights sought to be transferred: *Passengers and their baggage*, as a common carrier over a regular route, between Tylertown, Miss., and Franklinton, La., serving all intermediate points. Vendee is authorized to operate in Ohio, Indiana, Michigan, Illinois, Missouri, Iowa, Massachusetts, Maine, New Hampshire, California, Nebraska, New York, New Jersey, Wyoming, Pennsylvania, Utah, Kentucky, South Dakota, West Virginia, Kansas, Georgia, Louisiana, Nevada, Alabama, Florida, Mississippi, Tennessee, Arizona, Arkansas, Colorado, Washington, Oregon, Idaho, Minnesota and Montana. Application has not been filed for

temporary authority under Section 210a (b)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 53-10211; Filed, Dec. 20, 1955; 8:49 a. m.]

[No. MC-C-1800]

PARTS AND RELATED ARTICLES FROM CALIFORNIA TO IDAHO AND OREGON

TARIFF INVESTIGATION

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 13th day of December A. D. 1955.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of parts and related articles from points in California to points in Idaho and Oregon, as set forth in Item 2510, 24th Revised Page 264, Rocky Mountain Motor Tariff Bureau, Inc., Agent, MF-I. C. C. No. 52, or as same may be amended or reissued;

It appearing that upon consideration of the tariff schedules and protest thereto there is reason to believe that they result in rates and charges, rules, regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules and regulations and practices contained in said schedules, with a view to making such findings and order in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-10212; Filed, Dec. 20, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-220]

STANDARD GAS AND ELECTRIC CO. AND PUBLIC UTILITY ENGINEERING AND SERVICE CORP.

NOTICE OF FILING OF PLAN PROVIDING FOR LIQUIDATION OF SUBSIDIARY COMPANY

DECEMBER 15, 1955.

Notice is hereby given that Standard Gas and Electric Company ("Standard Gas") a registered holding company in the process of liquidation under an order of this Commission, and its inactive service company subsidiary, Public Utility Engineering and Service Corporation ("Service Corp.") a Delaware corporation, have filed an application with this Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") for approval of a plan providing for the liquidation and dissolution of Service Corp. It is stated that the plan is proposed as a step towards compliance by Standard Gas with section 11 of the act.

All interested parties are referred to the application and plan on file in the offices of the Commission for a statement of the transactions therein proposed, which, together with certain other pertinent facts, are summarized as follows:

Standard Gas is the beneficial owner of all of the 100,000 shares of Service Corp's outstanding capital stock, its only outstanding security. Under the plan Service Corp will transfer and distribute in kind to Standard Gas all of its property and assets, subject to all liens and encumbrances, if any, in complete cancellation and retirement of all of its outstanding capital stock. Standard Gas will assume all of Service Corp's debts, obligations and liabilities. Applicants represent that Service Corp has transacted no business and has had no customers nor any employees since 1945; that Service Corp is solvent; and that its realizable assets as of October 31, 1955, consisted entirely of cash in the amount of approximately \$126,000.

It is proposed that the business and affairs of Service Corp are to be settled and wound up pursuant to voluntary dissolution proceedings under the Delaware Business Corporation Law and its corporate existence terminated in January 1956, or as soon thereafter as is feasible.

It is stated that no State commission and no other Federal commission has jurisdiction over the plan or the transactions requisite to its consummation and that the expenses to be incurred in connection with the plan are estimated not to exceed \$500.

It is requested that this Commission's order become effective forthwith upon issuance and that the Commission approve the transfers and exchanges involved in the proposed liquidation and make the recitals required by section 1081 (f) and section 4382 (b) (2) of the Internal Revenue Code of 1954.

Notice is further given that any interested person may on or before Janu-

ary 3, 1956, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by such application and plan which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may grant said application and approve said plan.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-10196; Filed, Dec. 20, 1955;
8:46 a. m.]

[File No. 70-3432]

COLUMBIA GAS SYSTEM, INC., ET AL.

NOTICE OF FILING REGARDING SALE OF PROMISSORY NOTE BY SUBSIDIARY TO PARENT AND OF ASSETS BY PUBLIC-UTILITY SUBSIDIARY TO ASSOCIATE COMPANY

DECEMBER 15, 1955.

In the matter of the Columbia Gas System, Inc., United Fuel Gas Company, Atlantic Seaboard Corporation; File No. 70-3432.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act") by The Columbia Gas System, Inc. ("Columbia") a registered holding company, and two of its wholly-owned subsidiaries, United Fuel Gas Company ("United Fuel") and Atlantic Seaboard Corporation ("Seaboard") Applicants-declarants have designated sections 6, 7, 9 and 10 of the act and Rules U-43 and U-44 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

United Fuel, a gas utility company incorporated in West Virginia proposes to sell to Seaboard, a non-utility associate company, incorporated in Delaware, certain gas storage facilities consisting of a storage pool, wells, structures and auxiliary equipment and 5.5 miles of 10½ inch transmission line located in West Virginia. United Fuel proposes to sell such assets at original cost less accrued depreciation as of the date of transfer. Based on book figures as of October 31, 1955, such purchase price would have been \$1,326,026.77 for the facilities plus \$350,000 for storage gas subject to current delivery.

Seaboard proposes to finance the purchase of the facilities by the issue and sale to Columbia of a 3½ percent unsecured promissory note in the principal amount of \$1,300,000 due in 25 equal annual installments on February 15 of the years 1957 to 1981, inclusive. The balance of the purchase price is proposed to be paid in cash from retained earnings. Interest is to be paid semi-annually on February 15 and August 15 on the unpaid principal.

The application-declaration states that by order dated November 30, 1955, the Federal Power Commission approved the abandonment of service by United Fuel and the acquisition and operation of such facilities by Seaboard.

According to the application-declaration expenses in connection with the proposed transactions are estimated at \$400 of which United Fuel and Seaboard will pay \$150 each and Columbia \$100.

Applicants-declarants request that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than December 29, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law, if any, raised by such application-declaration which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as hereafter amended, may be granted and permitted to become effective as provided in Rule U-23 of the General Rules and Regulations promulgated under the Act, or the Commission may exempt such transactions from its Rules as provided in Rules U-20 (a) and U-100 or take such other action as it deems appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-10197; Filed, Dec. 20, 1955;
8:46 a. m.]

[File No. 70-3430]

THE COLUMBIA GAS SYSTEM, INC. AND CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF FILING OF DECLARATION REGARDING SALE OF UTILITY ASSETS

DECEMBER 15, 1955.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by The Columbia Gas System, Inc. ("Columbia") a registered holding company, and its public-utility subsidiary, Central Kentucky Natural Gas Company ("Central Kentucky") Declarants designate section 12 of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Central Kentucky proposes to sell to The Union Light, Heat and Power Company ("Union") and the Cincinnati Gas & Electric Company ("Cincinnati"), non-affiliated companies, certain gas utility assets consisting of transmission lines, related river crossings and a measuring station, for an aggregate price based on the original cost of such facilities less accrued depreciation per books. As of September 30, 1954 such original cost was \$707,802.05 and the accrued depreciation thereon amounted to \$186,686.35 result-

ing in a sales price as of that date of \$521,115.70. It is stated that while the facilities proposed to be sold are no longer suitable for transmission purposes at high pressures, they are useful to the purchasers.

The Public Service Commission of Kentucky, by order dated June 16, 1955, approved the proposed sale by Central Kentucky and the acquisition thereof by Union, and the Federal Power Commission, by order dated November 14, 1955, authorized the proposed sale by Central Kentucky. According to the declaration the total expenses in connection with the proposed sale will amount to approximately \$300 of which Columbia will pay \$100 and Central Kentucky \$200. Declarants request that the order of this Commission become effective upon issuance.

Notice is further given that any interested person may, not later than December 29, 1955 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities

and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its Rules as provided in Rules U-20 (a) and U-100, or take such other action as it deems appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-10198; Filed, Dec. 20, 1955;
8:46 a. m.]

[File No. 7-1770]

ALLEN B. DU MONT LABORATORIES, INC.

NOTICE OF APPLICATION FOR UNLISTED
TRADING PRIVILEGES, AND OF OPPORTUNITY
FOR HEARING

DECEMBER 15, 1955.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Allen B. Du Mont Laboratories, Inc., Common Stock, \$1 Par Value.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities

and Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American Stock Exchange.

Upon receipt of a request, on or before December 29, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-10193; Filed, Dec. 20, 1955;
8:46 a. m.]

